BOAZ and RUTH.

A Disquisition upon *Deut* 25. 5.

concerning the

BROTHERS

Propagating the

NAME and MEMORY

OF HIS

Elder Brother deceased.

IN

Which the Antiquity, Reason, and circumstances of that Law are explained, the mistakes and impositions of the *Jewish Rabbins*, in this and other matters detected, and a fair way opened for a clearer understanding of the most obscure and dark passages in the Law of *Moses*.

TOGETHER

With a discovery of several things, as well in the *Eastern*, as the *Roman* Antiquities, never yet explained or understood by any.

By *John Turner*, Hospitaller of St. *Thomas Southwark*, and late fellow of *Christs-College* in *Cambridge*.

Credat Judæus Apella
Non ego
Quodlacunque volet, Judei somnia vendent.

Si veritas Nobiscum, quis contra nos?

LONDON, Printed by *H. Hills* Jun. for *Walter Kettilby*, at the *Bishops-Head*, in St. *Paul's* Church-Yard. 1685.

BROTHERS

Preparing the

MEMORY

OF HIS

Elder Brother deceased.

1685
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To the Right Honourable, and my very Good Lord, *George* Lord *Jefferies*, Baron of *Wem*, Lord Chief Justice of *England*, and one of His Majesties most Honourable Privy Council.

My Lord,

I *Do humbly Dedicate this disquisition to your Lordship, after some small, though very Hearty endeavours, to let your Lordship and the World see how extreamly sensible I am of your goodness to me, not only out of a principle of gratitude, but intereſt too, in gratitude I was ob-*

liged to bethink my self of a present more suitable to your Lordships deserved Character and Greatness, than any I have yet had the hardiness or opportunity to make; and in intereſt, I considered with my self, that having engaged with so potent adversaries as the memory of Mr. Selden, *who was the glory of the last Age, and the living fame of a Person yet in being, it concerned me to look out some Patron of the Highest Quality and the most universally acknowledged merit, to give some countenance to my undertakings, which are intended purely for the discovery of truth, and for the benefit and advantage of the World.*

I have in this Essay given a deadly blow to the Rabbinical Learning, not that I pretend or would be thought to suggest, as if they were not to be believed in any thing they say, for who is so guilty of mistakes and im-

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positions as not to speak truth sometimes? But if by virtue of a pretended Tradition, they shall impose any falsity upon us, as I have proved in this Treatise, they have done very many, we are not to believe any thing upon account of any such precarious Tradition, without other circumstances and probabilities to vouch it, as a witness of crackt credit and profligate reputation, may yet put new weight into the Scale of Truth, if he have either other circumstances or more allowable testimony to concur with him, but upon his own account he is nothing, and if any have a mind to support the credit of the Rabbins, it is not to be done by proving that in some things they have been in the right, but that they are so in those particulars, wherein I have laid falsehood and forgery to their charge.

If Mr. Selden *were alive, I should not despair but he would acknowledg his Error and that of those upon whose*

authority and credit he depended, but of the other I have no other hope, then only that he will not pretend in Scripta *to confute me, though he may possibly whisper in the dark, where I can neither hear nor see him, and may have a party in the Coffee-house to stand by him.*

But not content barely to have confuted these two Learned Gentlemen, I have substituted positive and affirmative Doctrines in the room of those which they would have obtruded upon us, I have, I hope, held out a Key to the Learned World, by which the most difficult passages in the Law of Moses *may be explained, and have besides given so fair an entrance into the Antiquities of* Rome, *and shown so plainly their dependance upon those of the* East, *from whence they are unquestionably derived, that it is clearly a new sort of Learning scarce ever yet so much as pointed at by any, and capable of very great and very useful improve-*

improvements, all which I do humbly submit to your Lordships known Candor, and unbyast Judgment, and with my most earnest Prayers to Almighty God for the continuance of your Lordships health and safety, in which that of the publick hath so great a share, I am, may it please your Lordship,

Your Lordships

most Humble, Obedient,

and Obliged Servant,

John Turner.

The Epistle Dedicatory.

TO

John Turner.

TO THE READER.

Reader,

I Here Present you with a Discourse, the greatest part of which was long since Written upon that Law of *Moses*, by which the surviving younger Brother was obliged to propagate the name and memory of his Elder Brother in his stead, in which I will be bold to say, I have discovered more of the *Jewish* Antiquity, then all the *Rabbins* put together have with the same certainty and convincingness done, for most of what they tell us amounts to no more then *bear say*, depends upon very uncertain and questionable Traditions, and is

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Jumbled together with such an *ogllio* of monstrous and impertinent Winter-tales, that it is very difficult, where there is any Truth, to separate the Truth and Falshood from each other, and besides this, I have occasionally so far inquired into the most remote Antiquities of *Rome*, as to show they were manifestly of *Eastern* growth, and the comparing of the Customs and Language of the one with the other, which I take it for granted is a subject, which neither one Man nor one Age can exhaust, is that, that will give great light and certainty to both, and may with much more reason be depended upon in our inquiries into Truths of this nature, then any of those pompous Tales the *Rabbins* tell us, though dress up in *Hebrew*, and coming into the World in the shape and appearance of profound Learning.

You

You will find by several passages, up and down in this Treatise, that what I have now written, was designed as preparatory and introductory to another, which it is now a long time, that I have promised or threatned, or what you please to call it, concerning the *Marriage of Cosin Germans*, if you ask in what sense, this may be thought preparatory to that, though it may seem an hard Question, yet I will make it easie, by giving it a plain Answer, and indeed the Answer is two fold.

First, This was a Matrimonial Case as well as the other, which though it be now perfectly Antiquated and out of date, not only amongst us, but even the *Jews* themselves, yet I had a mind to shew by an Essay upon this subject, that I was not altogether a stranger to subjects of this nature, that upon the Credit of this performance, I might

remove

remove the prejudices that lie against me, and might be thought possibly to understand what I said better then those that censure me when I affirmed the Marriage of *Cosin Germans* to be in all *Christian* Politics and in all *ordinary* Cases *ex antecedenti* prohibited and Unlawful.

In the Second place it is to be considered, That the Brothers Marrying the Brothers Wife under the Law, was by vertue of a particular dispensation in a particular Case, though otherwise the same Marriages were punishable with death, and the Case is the same in any dispensation, it imports an Unlawfulness *in non exceptis*, otherwise if the thing dispensed with, were generally Lawful, nothing could be more frivolous or more absurd, then a particular dispensation in the Case proposed, let it be what it will, wherefore by the same reason

son that the *Leviratical* or *Anthistutical* sanction of the *Mosaic* Law, being a particular dispensation in a particular Case, did imply a prohibition, where that Case was not concerned, by the very same reason does the Marriage of the Daughters of *Zelophehad* in the 36 of *Numbers*, imply a prohibition in all other Cases, where the same circumstances could not lay claim to any such particular and extraordinary dispensation, which having only a regard to the *partition of Inheritances* among the *Jews*, which *partition* is now finally destroyed, such Marriages are now Unlawful to the *Jews* themselves, and much more certainly to all *Christian* people, to whom the natural reasons upon which the Marrimonial prohibitions depended are the same, that they were to the *Jews*, and the obligation to all the instances of charity, friendship and good will,

and all the means conducing to it, is greater and more binding then it was upon them, for the sake of our *common Saviour* who loved us so much, and who made this the Mark and Character of his Disciples, by which they might always be discerned from the rest of the World, *By this shall all men know that ye are my disciples if ye love one another.* But however this Christian Charity as great and as universal, as it is or ought to be, yet it does not forbid us in Cases of necessity, to defend our Persons or Possessions, or to assert or vindicate our good Names against such as make it their business to injure and defame us, therefore you are not to expect, that I should upon this Text, stand up and Preach a Recantation Sermon for the late severities upon Dr. C. which I am so far from, that in this very Discourse I have followed my blow and have resolved of

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a long time, neither to give him any Quarter nor take any from him; and yet now I think of it, I have given it notwithstanding, for there are faults in the *System*, which I have not exposed, and there are faults in the *Systemer*, which are not in the *System*, but if any else have a mind to try their parts upon the same Arguments, I have engaged him upon, without making the Controversie personal between us, I shall not be behind hand in Civility with them, only there are two things in this following Discourse, for one of which I must Apologize, and the other I find my self obliged to Recant that which needs an Apology is this *p.* 205, *&c.* where speaking of the fact of *Zimri*, of whom it is said, 1 Kings 16. that *he went into the Palace of the Kings House and burnt the Kings House over him with fire, and dyed*, I may be thought upon this occasion to have spoken

too favourably concerning self homicide in some Cases, wherefore since I have dipt into this controversie which is very nice, that I may set all things right, and offer my most mature sentiments concerning it, I desire it may be considered, First, That I have not in the least excused any who out of fanciful Causes or a vincible Melancholy not yet improved into a state of frenzy, have been the Authors of untimely death to themselves, because all these Cases are manifestly supposed to be so many instances of unreasonable Actions, and therefore can by no means justifie themselves. Secondly, There are some instances to be met with in the World, of mischiefs that are unquestionably real, exquisitely painful, and utterly incurable, or such as at present seem so, without any hopes of remedy, not only in the opinion of the party affected, but also of the wisest,

most experienced, and most discerning Physitians themselves, and this was *Seneca's* Case by reason of a Chronical *suspirium*, or *shortness of breath* which he complains of in several of his *Epistles*, and in one of them he says, that if it had not been in consideration of his Aged Father, and out of tenderness to his Relations, who might have taken his death immoderately to heart, he would have made away with himself, and I am far from discouraging any such considerations as these, to persuade a Man even in the worst circumstances, yet notwithstanding to endure them with constancy and steady resolution, and to expect with patience the call of nature, rather then to get rid of them by any act of violence committed upon himself.

Thirdly, As in the Case of bodily pain, so also in that of extream and irretrievable ignominy

and disgrace, which is the most exquisite and insupportable torment of a reasonable or a gallant mind; if I have spoken any thing favourably concerning the practice of self-homicide likewise in this Case, I did it only out of a charitable Principle to those gallant and good Men, whose Virtue and Wisdom in all other respects were scarce ever called into question by their *greatest* Enemies themselves; and such an instance as this would *Seneca* have been, if he had done what he designed in the former Case of pain, and such *Cato* was in the latter of disgrace, for the avoiding of which, and that he might not fall into the hands of his inveterate and mortal enemies, he thought it his wisest course to prevent, and anticipate their contempt of his person, and all the barbarous outrages of a victorious Army, by a generous contempt of that small

remain-

remainder of life, which either his nature or his fate had left him, and yet this is that *Cato* of whom *Lucan* gives so lofty and so excellent a character, that no mortal Man can ever deserve a greater, and one particular ingredient of it, is, that nature and reason were in all his actions his perpetual guides. *l.* 2.

——Hi mores, hæc duri immota Catonis
Secta fuit, servare modum, finemque tenere,
Naturamque sequi, patriæque impendere vitam,
Nec sibi, sed toti genitum se credere mundo.

Fourthly, It seems something hard and unequal to condemn that as unnatural, and in all circumstances whatsoever prohibited and unlawful to a wise Man, which the *Stoicks* a wise sect, and the greatest Masters of their passions of any other, did universally allow,

when ever life became burthensome or uneasie to its owners, and which notwithstanding that there are many instances of it to be found in Scripture, yet it is no where, that I know of, mentioned with any reprehension.

Fifthly, I say, that Life being the most precious and valuable gift that nature can bestow, and Patience the greatest Ornament and Supporter of it, as well in single persons, as in a society or body of Men, there being but few Men whose circumstances would not be uneasie, and no society that could subsist without it; it becomes a wise Man, and it is his duty upon natural reasons for the good of the World, for the promoting of which *pro virili parte* he is sent into it, to be so far from giving way to fancy or to melancholy, or from sinking into dispair under small and tolerbale mischiefs, that

that even in the worſt of ills that can befall him, he ought to endeavour his utmoſt, and to muſter up all the ſtrength of his body and mind, to give a remarkable example of that virtue, which is ſo becoming and lovely in it ſelf, and of ſuch uſe and ſervice to mankind.

Sixthly, In Caſes of pain or of diſgrace, if they are the juſt conſequence of an ill ſpent life, as indeed for the moſt part they are, if they are owing to intemperance or other crimes, a Man in this caſe owes an example to the World, and as the beſt amends he can make for the guilt he hath contracted, he ought to endure patiently whatſoever befalls him, for the publick good, that ſo his ſufferings may be the greater warning to others, not to tread in his ſteps, or imitate his example; and therefore in this reſpect I confeſs, that *Zimri* and *Sarda-*

ndpalus, whom I may seem to have justified for their last Act, which was an Act of violence upon themselves, were guilty of as great and real a sin, as any they committed in the whole course of their lives, because they ought rather to have suffered the utmost indignities, and the most exquisite torments in the view of Mankind, and from the hands of their Enemies, that so the memory of their wickedness, and the dread of doing like them, might take the deeper root in the minds of such as beheld it, but all that I have represented in their behalf was only this, that it was an Argument of some gallantry, and greatness of spirit to do as they did, in the extremity to which they were reduced; however, whan all things are impartially consider'd, it may and it does appear to be a breach of Duty.

Besides,

Besides, that upon supposition of a future life, of which not only revelation, but nature doth sufficiently assure us, wherein it shall be better or worse with us for ever, according to our behaviour or deportment here, it is foolish and unreasonable for Men in such circumstances, that they may avoid less painful, and less durable mischiefs, to leap into those by an untimely Fate, which are at once more miserable and more lasting, and which it is utterly impossible for them to escape without repentance; and he cannot properly be said to repent him of his past crimes, who takes his leave of the World, by an action including an offence against it, as I have shewn all self-homicide in this Case to do, But baring these reasons, and considering only what there is else to be considered, I cannot understand the courage of encountring to no

purpose, with hopeless, helpless, endless, and insupportable calamities; and it seems a kind of contradiction, that it should be thought a sign of magnanimity for a man to continue any longer upon the stage of Life, when at the same time, he either is or ought to be ashamed, and afraid to see the light any longer.

Seventhly, I am, notwithstanding any thing I have said, and have always been a profest admirer of of the Wisdom of our Laws, which have loaded the Authors of untimely death to themselves, with marks of the highest ignominy and disgrace, and besides have punisht them severely in their posterity, though they are past the sense of any human punishment, in their own persons, the reason is, because whatever may be said in some Cases, for private and single persons considered by themselves,

selves, yet it is the undoubted wisdom of a society or body Politick, to take the most effectual care for its own preservation, and not to suffer any member to withdraw it self, from that Service and Duty which it owes to it, without any brand of punishment or token of disgrace; besides, that since every Man is the best judge of what he feels, and perceives within himself, that may be insupportable or insufferable to him, which is not so to another, and therefore, if it be not Lawful for every Man to quit his station, and shut up the scene of Life, as often as guilt, or melancholy, or fancy shall make life troublesome and uneasie to him, it must, and can only be restrained by an universal and general prohibition, whose sanction shall be impartial and equal in all Cases, and it must be acknowledged to have been a very great

great defect in all those ancient Laws before Christianity took place in the World, which do not seem to have made that provision against so bad a practice, and so pernicious to the welfare of society, which ours are known to have done.

Eighthly, Where the Laws of any Country or Society do forbid and punish such violencies as these, committed by Men wilfully upon themselves, there it is for that very reason absolutely Unlawful, because this is the nature of Society, that every Member of it, whatever natural liberty he had before, he hath only so much freedom left him after his entring into, and ingaging in it, as the Laws of that Society have not restrained, and with as much reason as one Lawful Command of our Superiours, or our Legislators may be violated and broken,

all

all may, and so the Society is actually dissolved, which is fenced in by Laws and cannot otherwise be preserved, then by a conscientious and dutiful observation of them.

Ninthly, If against this it be objected, that he who is the cause of untimely death to himself, is not bound before hand, when he deliberates concerning it, to have any regard to the Laws of that Society, which by this fact he is about to leave, and consequently expects no further favour or protection from it, and after the execution of his intended design, is out of capacity of receiving any, which is the true reason why every Man becomes or continues to be a member of community, that the Laws of that community under which he lists himself may guard and defend him against violence

olence and wrong, and protect him in the pursuit of all his reasonable projects and designs; To this there are three things to be Answered.

First, When a Man enters and ingages himself in a Society, either he looses all that liberty of action, which the Laws have thought it necessary to restrain, or he does not, if the former, then the prohibition of self-homicide, as being *ex hypothesi* a branch of the said Laws, is as much and as firmly obligatory and binding, as any other restraint or prohibition whatsoever; if the latter, then the obligation to all Laws, and the Authority by which they are Enacted, being equal and the same, it is manifest we may dispence with our selves in any other instance, as well as in this, and so the whole Fabrick of Government falls to the ground.

But

But Secondly, We are not only tyed to the observation of all the Lawful commands of our Prince or Country, by the Authority of men, but by *the Oath of God*, by which all the Laws of our Country are tyed upon us, and nothing certainly can be of more fatal consequence to a man in the other World, then, that the last action of his life, should be a *willful* breach of that *Oath*, which includes a defiance of the Divine Power and Justice, in this, and such a defiance as frequently gives no time at all, but very rarely affords in the disconsolate anguish, and perplext hurry of a wounded mind and body, sufficient means, opportunity and time for an hearty and a serious repentance.

Thirdly, By the same reason that a man shall pretend it Lawful to rid himself of an uneasie World, notwithstanding the Laws of his Country

Country forbid any such practice, under pretence that the reason why he entred into Society, was only to receive a safe guard and protection from it, and that now disclaiming all benefit from its protection, he is under no obligation to its Laws, by the very same reason an Highway-man, or a Midnight, house-breaker, may excuse himself; for he also by affronting and violating the Laws, does disclaim all benefit and protection from them, yet he is never the less guilty for all this, for he does still break and violate *the Oath of God*, and disturb the peace and welfare of mankind, one of which the Laws of nature, and the necessities of humane life, do forbid him to do, and the other is a breach of a no less sacred, though a superinduced and positive obligation, and this brings me to a Tenth thing to be considered.

For

For in the Tenth place, Though the Laws of a Society ſhould not peradventure forbid the practice of ſelf-homicide, yet it is ſufficient that the nature of a Society does, as if the Laws ſhould not forbid Adultery or Theft, yet notwithſtanding they would be never the leſs unlawful, becauſe they tend to contention and ſtrife, to the diſturbance of the publick peace, and to the diſſolution of Society, the end of which is mutual happyneſs, and mutual preſervation, and ſo in this caſe alſo, of ſelf-homicide in any inſtance, though it might perhaps be juſtifiable, or at leaſt excuſable as a ſingle inſtance conſidered by it ſelf, and without relation to any civil Society; of which he that committed it, was formerly a member, yet ſtanding in this relation, let the circumſtances of his action be never ſo favourable, and propitious to themſelves, yet it is

enough

enough that the action it self, with whatever circumstances it may happen to be clothed, yet it is of pernicious consequence to the publick, and that it would certainly produce very bad effects, if it should be drawn into president or example, as if, we should suppose a man otherwise of an exact, or at least an unusual and extraordinary virtue, labouring under some hereditary distemper, of Gout or Stone, or Consumption, languishing for a long time under the one, and afflicted with frequent and violent returns of the other, against whom the above mentioned Argument does not lie, that he owes an example of punishment to the World, to which he is sensible he can be no longer useful, but is and is like to be, without any hopes of remedy, a perpetual plague and torment to himself, I should not much doubt the Lawfulness

of

of this Mans action, considered as a single person, and without regard to Society, (if such a supposition can or ought to be made) though he should make use of some violence upon himself, rather then conflict any longer with exquisite Torments and incurable Evils, to little or no purpose; but if we consider this Man as a member of Community, then whatever may be pleaded in excuse of his fact considered by it self, though it may appear never so reasonable, so necessary, or so just, if you respect no body but him, yet in its consequence it will Patronize Fancy, and Melancholy, and Womanish fears or frantick despair, or any thing else that shall be the occasion of the same violence, acted upon themselves, in others. For this is certain, that incurable Fancies are as real things to those that are actuated and

poſſeſt by them, and every whit as painful and tormenting, as the moſt uneaſie realities that the World affords, or the utmoſt poſſibility of misfortune can aſpire to, and every man being the beſt judge of what he endures himſelf, for *none knoweth the thoughts of a Man, but the ſpirit of a Man which is in him*; from hence it will unavoidably come to paſs, that that action which in another might have appeared reaſonable, or excuſable at leaſt, will be drawn in its conſequence to Patronize all the Tragedies, which either Melancholy or guilt ſhall act, and upon the ſame principle, upon which ſome have killed themſelves, to get rid of their own fears and Fancies, by which they were inceſſantly purſued, others in a fit of Melancholy have been known to make away their Wives and Children, to take them away

away from the evil to come, or to prevent that Scene of mischiefs, which Fancy had painted as hanging over their heads, and ready to fall down in showers of misery, and misfortune upon them: now this is enough to make any action Unlawful, though by it self it might possibly do no hurt, if Imitated by others upon the same or like pretences, it shall appear to be pernicious to the publick, as I have elsewhere argued concerning the Marriage of *Cosin Germans*, we are to consider what the consequence would be, if it were frequently practised, not what it is where the instances are so few, for there is no doubt but publick and private good, are the measure of good and evil in these cases, and whatever that action is, which growing fashionable, and being generally practised, would redound to the prejudice of the

publick, that action even in a ſingle inſtance is Unlawful, becauſe every pattern hath a tendency to imitation, and that imitation propagated wide, would be of dangerous conſequence to the publick. So that I muſt here inculcate once more, that if I have any where ſpoken favourably of the practice of ſelf-homicide, it was only in theſe reſpects, that in ſome Caſes it may appear to be an Argument of gallantry and courage, and that I am very willing to entertain ſome Charity for thoſe great Men, eſpecially among the *Romans*, who have been guilty of it, and who are ſo far from being blamed for what they did, in the circumſtances they were in, that they are mentioned for it, with Honour and Commendation by the *Roman* Authors; not to add that they ſeem to have received this, as well as other of their Cuſtoms from the

Eaſt,

East, where it seems to have been a very common practice, we have several instances of it in the Scripture, of *Sampson* and *Saul* and his *Armour-bearer*, and *Achitophel*, and *Judas*, all of whom, whatever other personal faults they might be guilty of, as some of them were guilty of the greatest that can be committed, yet they are no where blamed for this last act of their lives, and perhaps upon supposition that there was no life after this, which most if not all of them seem to have believed, and a mystery it was with which *Rome Pagan* was utterly unacquainted; it might appear more reasonable then it can do now, after *life and immortality are brought to light by the Gospel.*

Eleventhly, What hath been said above of wicked Men, that they owe an example of punishment and disgrace to the World,

and therefore that others may take the more effectuall warning by them, they are to endure with patience the worſt that can happen, which is the beſt amends they can make for the miſchiefs, or wickednesſes of their life paſt, and which added to an hearty and ſincere repentance, may perhaps be available with God in their behalves to exact no further puniſhment in the life to come; The ſame is true likewiſe of thoſe that ſuffer for a good and righteous Cauſe, that they are not to withdraw themſelves from any torment, or perſecution by an untimely death, wilfully committed and brought upon themſelves, but are rather under a great and ſacred obligation, if they cannot avoid it by flight or by concealment in a dangerous time, to ſtand the brunt of their adverſaries, and expect the worſt that can befal them, though for another

another reason, *viz.* That they may bear the more effectual Testimony, and do the more signal and remarkable service to the Cause and Principles for which they suffer, it being natural for great and publick sufferings to create a pity for the worst of Men; but for such as die, or are exposed to poverty, contempt or torments for the sake of goodness, or because they will not start from their Principles, or flinch from their Religion, but are resolved to bear a constant and unshaken Testimony to it, this hath a strange power of Rhetorick and persuasion, and is naturally apt to inspire, and actuate the minds of Men with pity, love, and veneration for the persons of the sufferers, and for the Cause for which they suffer, according to that known saying, *Sanguis martyrum semen Ecclesiæ.*

Twelfthly, If a Man perceive himself to labour under any such fearful apprehension, and dejected prospect of the sufferings he is to undergo, that he is in danger either to renounce the truth, to purchase his quiet and deliverance, from those evils that hang over his head, and fill his mind with terrour and dreadful apprehension, or otherwise that he is not like to support himself under his calamity, so as not to do disparagement to the Cause for which he suffers, instead of giving reputation or advantage to it, yet even in this case he is not by any means to cast away himself, but to call to his aid the consideration of his Innocence, the pleasant and cheering reflections upon his virtue, together with the hopes of a glorious recompence in the World to come, which will have a natural tendency to create a contempt in him,

him, of the malice of his enemies, and of the utmost cruelty of the most ingenious tormentors; and he ought besides to fly to God for the assistance of his Grace, and to believe stedfastly that he will not fail to afford it in the Critical time, (whatever dejection of Spirit he may labour under at present) which whoever shall distrust, being placed in such circumstances as these, that do so naturally require the assistance of Divine grace, and so powerfully draw down its influence upon themselves, he is guilty of a crime that deserves a worse punishment, than any his persecutors can inflict upon him.

Thirteenthly, Notwithstanding what hath been said, yet it is certain that the *Mosaic Decalogue* in that precept of it, which is conceived in these words, *Thou shalt not Kill*, or *Thou shalt do no Murder*, did

did not forbid self-homicide, or self-Murther, for it is manifest by our *Saviours* partition, that all of those precepts concerned only God and our Neighbour, God as the object of Religious worship, and our Neighbour as the object of Civil conversation, where he tells us, that *on these two Commandments hang all the Law and the Prophets; Thou shalt love the Lord thy God with all thy Heart, and with all thy Soul, and with all thy Mind, and thy Neighbour as thy self.*

And that this is plainly so, appears by this, that there are crimes whose guilt was Capital by the Law of *Moses*, which yet are no where forbidden by the Decalogue, or Ten Commandments, I will instance in the habitual Drunkard, which was one of the crimes laid to the charge of the Rebellious Son in the Law, who after admonition continuing unreclaimable, was

was to be brought forth, and ſton-ed by the Congregation, and yet this ſin is no where forbidden in any of theſe Commandments, the reaſon is, becauſe it was only a perſonal crime, and did not in-clude any ſin againſt God, in that ſenſe in which the Decalogue for-bids it, which is concerned only in the prohibition of Idolatry, and Perjury, which includes a de-nial of the Divine Exiſtence, or which is worſe, a manifeſt defi-ance and contempt of it; and in ſeparating the Sabbath from the reſt of the week, and devoting it to his peculiar, and incommuni-cable Worſhip and Service, nor any breach of Duty towards our Neighbour, any otherwiſe then by the bad example, which for the moſt part, is ſo far from being intended, that it is not ſo much as thought of by the guilty per-ſon, and which it is always in his

Neigh-

Neighbours power either to imitate, or let alone as he pleases himself, so that there is no violence committed either upon his person, or any of those rights, priviledges, or possessions which are external to him.

So also when the Law forbad *Sodomy*, or the use of Carnality contrary to nature, and when it forbad incestuous Conjunctions, or Marriages within such certain degrees; how severe soever the Sanction of these prohibitions is, in those places of *Leviticus*, and *Deuteronomy* where they are found, yet the Decalogue does not at all concern it self about them, the reason is, because though in this case there be a mutual offence, committed between both of the contracting parties, in one of these instances, and between the *Pathicus* and the *Cinædus* in the other, yet it was not an offence violently com-

committed by one of the parties upon the other, for then it could not be mutual in them both, but it was by mutual, reciprocal and interchangeable consent; whereas the Decalogue was only concerned in those injuries, which were done violently and without his consent to our Neighbour, as will appear sufficiently, by reflecting upon all the instances of prohibition in the second Table; so that in this case, so far as these Commandments had any thing to do, the maxim was as true then as it is now, *volenti non fit injuria*, neither indeed was the injury, properly speaking, personal, since they were both consenting, but only an injury of example, or an injury to the Publick, by setting a Copy to it, which it was against its interest to transcribe, or to propagate by imitation.

Nei-

Neither is it ſufficient in this matter to ſay, that when our Saviour enjoyns us to *love our Neighbour as our ſelves*, that therefore whatever we may not do to our Neighbour, we may not do to our ſelves; & conſequently that ſelf-homicide is by this general precept interdicted, becauſe it is Unlawful to kill another man, for though I grant it to be Unlawful upon the conſiderations above mentioned, and in general, whatſoever is againſt the intereſt of humane Society, or the good of Common life, that is certainly Unlawful to every Chriſtian man; yet in this general rule there is nothing more underſtood, then in that other of our bleſſed Lord, which is equivalent to it, whereby we are enjoyned in all caſes that can happen, as a certain rule of life and action, *to do by others, as we would that others in the ſame circumſtances ſhould have*

have done by our selves; but yet this hinders not, but that there are several things which I may do by my self, which yet it would be utterly unjust, unreasonable, and unlawful for me to do by any other Man; as I may give away of mine own as I please my self, according to that of our Saviour, Matth. 20. 15. *Is it not lawful for me to do what I will with mine own?* but yet if I should do the same, by the *depositum* of another committed to my trust and charge, this would be the highest violation of the Laws of Friendship, Justice and Society, that can be imagined, and so also in this case, let self-homicide be Lawful or Unlawful in it self, and upon other considerations, yet there is no question, but a Man may dispose of his own person, farther then he hath any natural right to do of another Mans, and that the one is by no means the measure of the other. To

To conclude this Thirteenth particular, as it does not appear that self-homicide, was any where forbidden by the Law of *Moses*, but on the contrary there are several instances of it, mentioned without any severity of reflection upon them, so that it seems to have been not unfrequently practised in the *East*, and from thence the *Romans* did probably derive, that piece of gallanty, as they esteemed it; so it seems in a manner absolutely impracticable, that it should have been prohibited by the *Mosaic* dispensation, for every Law must have a Sanction to inforce it, and to him that fears not death, what Sanction can there be? unless it be the consideration of his Family or Posterity, which might suffer by the Alienation or Forfeiture of his Estate, as amongst us which would have been one means to destroy the par-

the partition of Inheritances, which it was one great care of the Law religiously to preserve, as may be seen in several passages of the following Treatise; and by consequence seems to have been utterly inconsistent with the *Jewish* platform and *oeconomy of things.*

Fourteenthly, Notwithstanding what hath been said, I believe it to be the Duty of every Man to run upon certain death, rather then break his trust or violate a Lawful promise, which was the case of *Attilius Regulus* in the *Roman* Story, because truth and faithfulness are the great and first supporters of Society, the greatest ornaments and friends to humane Life, and therefore ought not to be violated in any case whatsoever, the example being of so dangerous consequence to the peace and welfare of Mankind.

Fifteenthly, If a Man by his death may free his Country or the World from any present Calamity or epidemical Evil, which is said to have been the case of *Curtius* in a violent Plague, or may deliver and rescue it out of the jaws of an impending danger, as the *Decii* are said to have done, by devoting themselves as Sacrifices for the safety of the *Roman* Army and State, in both of these cases if there be a rational ground of hope, that my death or yours may be available to the publick good, and may be more beneficial then our lives could have proved, we are bound by all the strictest obligations, that either nature or religion can impose upon us, to deliver our selves up as victims to the publick, whose safety is more precious in the sight of God, and more to be prised and valued in the esteem

of

of all good Men, then that of any single person can be.

Sixteenthly, Notwithstanding that there are several instances of self-homicide in Scripture, and none of them mentioned with any thing of disallowance; yet there are, as I have shewn, reasons in nature that do make it in all cases unlawful to a Man considered as a member of Society, whatever may be said in behalf of single persons considered out of that state, if such a supposition can or ought to be made, or whatever may be pleaded as to the Gallantry or Courage of the Action, in Men that have not considered and deliberated the whole case with that nicety that I have done, and this is fully represented in the Book of *Job*, where when his Wife in the extremity of his misfortune, gave him this advice, *curse God and die*, that is,

make away with your ſelf, as others in ſuch circumſtances are wont to do, all the anſwer he gives is, *thou ſpeakeſt as one of the fooliſh Women ſpeaketh*, that is, that though it were a received opinion that it was Lawful in ſuch caſes, for a Man to diſpatch himſelf out of the way, and an ordinary practice to do it, yet it was an opinion and practice founded upon raſhneſs and want of conſideration, and that whoever laid all things impartially together, would patiently endure the afflicting hand of God, which whether it were intended for a puniſhment of our ſins, or an exerciſe of our patience, or an inſtance of his Soveraignty and Dominion over us, it ought in all theſe caſes to be ſubmitted to, and therefore he uſed all the motives and Arguments he could think of with himſelf, to bring his mind

to

to an absolute resignation, *shall we receive good*, saith he, *at the hands of God, and shall we not receive evil*; and though he wisht to die, and longed for nothing more then to be rid of Life and Calamity together, *O that I might have my request*, said he, *and that God would grant me the thing that I long for, even that it would please God to destroy me, that he would let loose his hand and cut me off*, yet would he not execute the sentence of death upon himself, and by his example, which was no question inspired, as well as his writings, he hath taught us what a wise Man ought to do in such unfortunate circumstances as his were.

Seventeenthly, If self-homicide be, as it hath been shewn in most, if not all the instances that can be supposed, be so extreemly sinful, unreasonable and unlawful, then all kinds of intemperance and excess

are so too, especially where they grow Customary and habitual in us, because these are so many willful tendencies to a dissolution, and they are so much the more inexcusable, because they are usually more deliberate, then most of the instances of self-homicide are and are committed when we have or might have had a free use and exercise of our reason.

Eighteenthly, If self-homicide be so Unlawful as it hath been represented, how much more impious and guilty must it needs be to imbrue our Hands in the Blood of our Neighbour, whose person is certainly less at our disposal then our own, and with whom, unless it be in our own just and necessary defence, we have nothing more to do, then only to help and assist him what we can.

I shall conclude this business with saying, what I am sure is true, that no affectation of Novelty or love of Paradox drew me into a discourse of this Subject in the following Treatise, but that I insensibly light upon it, before I was aware, and that I should be very sorry, if any thing that I have said upon that occasion should give offence to any wise or good Man, though, I hope, in this review of that whole matter, which I have endeavoured carefully to consider, I have made some amends for what is amiss in the body of the Book, if any man shall happen to be displeased at it.

The other thing which I have in my mind, and which I find my self obliged to Recant, is concerning the Year of *Numa*, which I was very confident I had discovered, but I have made a new discovery since that, and that is,

that I know nothing of it, and I conceive at this distance of time, it is impossible to be explained; however upon the whole matter, I hope you will not repent the perusal of this Book, nor I that I have written it.

Farewell.

THE

THE PRINCIPAL HEADS OF THE Ensuing Treatise.

Of the great Antiquity of the usage in the Text, and of the cause wherein it was undoubtedly dispensed with. From Page 1 to Page 60.

Of the reasons upon which it was Originally founded. From p. 60 to 79.

Two mistakes of Mr. Selden *and the* Rabbins *whom he follows. From p. 79 to 83.*

That the Marriage of Boaz *and* Ruth *was in consequence and pursuance of that Law of* Moses, *whereby the Brethren were obliged to raise up Seed to the deceased Brother, against Mr.* Selden *and the* Rabbins. *From p. 83. to 120.*

Two other mistakes of Mr. Selden *and his* Rabbins *discovered. From p. 120. to 124.*

Of

Of the signification of the word First-born, *in this controversie. From p.* 124. *to* 138.

Two objections against what was asserted under the last head concerning the signification of the word First-born, *proposed and answered. From p.* 138. *to* 147.

Another Argument to prove that by the First-born, *the* Daughter *or* Female *was not understood in the Law of* Moses, *and in what case a Woman was to inherit. From p.* 147. *to* 149

The Heiress obliged to Marry to some of the kindred, and to the next of kin if he pleased. p. 150, 151.

The Law of the Leviratus *to be understood only of Brethren by the Fathers side, and in this Mr.* Selden *and his* Rabbins *are in the right. From p.* 151. *to* 158.

An Answer to an objection against the last position, that this Law concerned only the Paternal consanguinity. From p. 158. *to* 161.

Two objections remaining against what hath been said, the first an Argument of Mr. Seldens *to prove that the Marriage of* Boaz *and* Ruth *was not in consequence of the* Leviratical *Law, which is largly answered. From p.* 161. *to* 183.

Of

Of the very time when this Custom came to be instituted, viz. at the division of the two Kingdoms of Israel and Judah, of the nature of Jeroboam's Priesthood, and of the frequent revolutions that happened in the Kingdom of Israel, after its division from that of Judah, and of its Military Government and want of a regular *and* subordinate Clergy. *From p.* 183. *to* 237.

That the Jews *did not abstain from any thing, meerly because the* Zabii *or any other nation round about them practised it, and that this was no reason of any of their negative Precepts. Proved largely against Dr.* Cudworth, *and the* Jewish Rabbins *whom he follows. From p.* 237. *to* 292.

Of the practice of Usury *among the* Jews *and other nations, and that the* Romans *borrowed most, if not all their usages concerning it, out of the* East, *together with an explanation of many things in the* Roman *and* Assyrian *or* Eastern *Antiquities, hitherto unknown, which is concluded with two observations; the First concerning the reason of* Tithes *being paid to the* Priesthood, *the other concerning the* Lawfulness *of a* moderate Usury *in all but such polities as the* Jewish *was. From p.* 292. *to* 27.

The

The whole is concluded with an answer to a second objection against the Paternal consanguity, *being only concerned in the matter of the* Leviratus, *which is taken from the Account of our* Saviours *Genealogy, as it is, or seems to be differently* Related *by the two Evangelists,* St. Mathew *and* St. Luke.

BOAZ and RUTH.

Deuteronomy 25. ver. 5.

If Brethren dwell together, and one of them dye and have no Child, the Wife of the dead shall not marry without unto a stranger, her Husbands Brother shall go in unto her, and take her to him to Wife, and perform the duty of an Husbands Brother unto her, &c.

THE reason of which is expressed in the next verse, *viz.* That the name of the Brother might not perish. For which cause it was that the first Child begotten in such Wedlock, was not accounted the offspring of his or her natural Parent, but of him whose person he did in this case sustain, that is, of his Brother or near Kinsman.

V. 6. *And it shall be, that the first born*

which she beareth, shall succeed in the name of his Brother which is dead, that his name be not put out of Israel. Which in the instance of a near Kinsman, tho not of an immediate Brother was afterwards the case of *Ruth* and *Boaz*, from whose Loins in a few generations, K. *David* and in the fullness of time the Messias himself, the Son of *David* was descended. Which Custom, tho it was afterwards, as we see, confirmed by an express Law of God, yet it was in it self much ancienter than the delivery of the Law by *Moses*, as is evident from the story of *Er*, *Onan* and *Shelah*, the Sons of *Judah*, all of them successively married to *Tamar*, for the reason already mentioned, as is very plainly intimated, I may say expressly asserted, *Gen.* 38. *v.* 9. *And* Onan *knew that the seed should not be his, and it came to pass when he went in unto his Brothers Wife,* ἐξέχεεν ἐπὶ τὴν γῆν τὸ μὴ δοῦναι σπέρμα τῷ ἀδελφῷ αὐτῦ. For which fact of his it is said in the next *verse*. *And the thing which he did displeased the Lord, wherefore he slew him also, as he had done his Brother* Er, for some other wickedness, which was it seems no less displeasing to him, *v.* 7.

It is therefore very reasonable to believe, since we see this custom to have obtained in the World so long before the delivery of

of the Law by *Moses*, that it was the ancient usage of all those Easterly Countrys, and constantly put in practice in the earliest times, by the inhabitants of *Syria*, *Mesopotamia*, *Palestine* and *Egypt*. Which is yet more probable, if you consider that even in the Law it self, there are several things both prohibited, and commanded the *Jews*, which were alike practised or disallowed by their neighbour Nations, and in all probability by themselves long before; only now they came to have the Authority of a divine Law, which before they had not.

I will instance in the *Egyptians* abstinence from Swines Flesh and from Fish, which tho it be ascribed by *Porphyry* and out of him by other Learned men, to natural reasons, for the avoiding of the Leprosy the common disease of those Countries, yet it might be upon such *Symbolical reasons* likewise, as were, if I am not mistaken, the ground of the *Jewish* abstinence. And which I have in other Papers more largely insisted upon. And tho it be not in other Instances so easy to prove that the same prohibitions did obtain among the neighbour Nations, yet there are two things to be considered which will make it very probable that they did.

First. That the distinction of beasts into clean and unclean is manifestly of greater Antiquity than the Floud, as is evident by this, that according to this distinction they were admitted into the Ark either by two's or Sevens and being spoken of there without giving any particular directions to *Noah*, by which he should know the clean and unclean from one another. It seems plain that he and his contemporaries were acquainted with this distinction and the bounds of it before, and very probable that it had been constantly observed from the Creation until then, there being no reason why it should not, nor any time imaginable wherein it can be affirmed that it did not obtain.

You will say perhaps that before the Flood, the Flesh of animals was not permitted to be eaten, which is true, and that the nature of this cleanness or uncleanness in animals consisted in this, that the one were prohibited, the other allowed in food; which is true likewise, but it is not the whole truth, for they were allowed or prohibited respectively in Sacrifice as well as food, therefore, since men did sacrifice Animals before the Floud, tho they did not feed upon them, it is clear that this distinction might well enough obtain before that

time,

time, which brings me to the Second thing; by which will it appear highly reasonable to believe that the very distinction of clean and unclean Beasts and Birds, and in the same instances, was observed before the delivery of the Law, as well as after, and by other Nations as well as the *Jews*. And that is,

That you no where meet with any instance as the common practice of a Nation, at least for any so ancient, I dare boldly challenge you, that any of those either Birds or Beasts mention'd in the unclean Catalogue have been offered up for Sacrifice, neither do we or any Nation that I know of, use any, or but very few, of them to this day in our food. The same may be said of Fishes, of which those that want Fins and Scales, are even amongst us accounted the most contemptible, as they are certainly the most unwholsome kind, and for the Sacrifice of Fish, it will be as hard to meet with it, unless it be here and there a particular, and perhaps a fabulous instance in profane Authors, as in the writings of the *Jews*.

And as the prohibitions, so also the allowances for Food and Sacrifices, are and have always been in almost all Nations and all times the same with those of the

Ancient *Jews* themſelves, as is evident in part from the Sacrifices of *Abel* and of *Balak*, from the Victims of the Prieſts of *Baal* being of the ſame kind with thoſe of *Elijah*, from the Hiſtorical and Poetical Writings of the moſt Ancient times, In which you have frequent mention of Sheep, Oxen, Goats, Turtles, Pigeons, Offer'd up in Sacrifice, and of the ſame or very like ſorts of Odours, Incenſe and Perfumes in the Heathen Temples, which were in uſe either in the high places, Tabernacle or Temple of the *Jews*.

§ 1. More inſtances of a like Nature may be produced, but this, being ſo remarkable and being a complication of ſo many inſtances in one, is ſufficient to juſtify what I have affirmed, that many of thoſe Rites among the *Jews*, which had afterwards the Authority of a divine Law, did prevail among themſelves and other Nations long before the delivery of that Law; of which nature this very uſage, of which we are now diſcourſing, of the Brothers raiſing up Seed to the Brother, ſeems to have been one, ſince we ſee plainly that in the Family of *Jacob*, that is, in the Nation of the *Jews*, it was in uſe from the very beginning of it and was put in practice by *Judah* his immediate deſcendant, and

and that not as a new thing, but as a known and common practice in such cases, otherwise it could not be said of *Onan v.* 9. that *he knew the Seed should not be his*, if he had not known this by former Precedents and examples of a like nature, and by the design of such marriages in case the Brother died without issue. The same thing appears likewise from that saying of *Judah v.* 26. *She hath been more righteous than I.* By which he plainly acknowledges a right which *Tamar* had to the enjoyment of his youngest Son *Shelah*, which it was not in his power to deny her. It must therefore of necessity depend upon some known Law or usage of those and former times, which was the thing to be proved.

But you will say, it depended only upon his promise, *v.* 11. *Then said* Judah *to* Tamar *his Daughter in Law*, *remain a Widow at thy Fathers House*, *till* Shelah *my Son be grown*; which words do manifestly contain an implicit Promise, that when *Shelah* was come to mans estate, he should be obliged to perform the Husbands part to raise up Seed to his Eldest Brother *Er*, and *Tamars* performing the condition on her own part, by puting on her Widows Garments, the better to avoid all pre-

tenders to her Bed, as we ſee ſhe did, *v.* 14. makes this implicit obligation ſtill more binding upon *Judah*, ſo that he ſeems rather to be obliged by vertue of a voluntary reſtraint which he by his promiſe had laid upon himſelf than by any antecedent Law.

But to this I anſwer, that, though the inſtance of *Shelah* will not perhaps prove it to have been a Law, yet that of *Onan*, the intermediate Brother between him and the Eldeſt, will; to which purpoſe it will be neceſſary for us to obſerve, that in the 18*th* of *Leviticus*, where the degrees prohibited in marriage are recited, that of the Brothers Wife is prohibited with no leſs ſeverity than any of the reſt; the reaſon of which, together with the prohibition it ſelf, is expreſſed in thoſe words, *v.* 16. *Thou ſhalt not uncover the nakedneſs of thy Brothers Wife, it is thy Brothers nakedneſs*, that is, Man and Wife, in the very firſt inſtitution of God himſelf, when our firſt Parents came together, were to be one Fleſh, *i. e.* the union betwixt them was to be ſo ſtrict and ſo inſeparable, as if they were both of them united into one and the ſame perſon, from whence it came to paſs that the Wife was accounted every whit as near, in the interpretation and eſteem

of

of Law, to all those to whom she was allyed by the affinity depending upon marriage, as the Husband himself was by those degrees of Consanguinity, in which he stood respectively to them before it.

§. 2. This was the reason of all those Laws, *Levit.* 18. 8. *The nakedness of thy Fathers Wife shalt thou not uncover, it is thy Fathers nakedness.* v. 14. *Thou shalt not uncover the nakedness of thy Fathers Brother, thou shalt not approach to his Wife, she is thy Aunt.* That is, Uncles and Aunts, great Uncles and great Aunts, and so all along in the Collateral Line, ascend as high as you will, are in the interpretation of the *Jewish* as well as of the Civil Law *Parentum loco*, in the stead of Parents, and are to have the same or a like respect paid them by us, the same or a like Authority and rule over us, with our natural Fathers and Mothers, which are the very reasons assigned for this and all further prohibitions in the directly or collaterally ascending Lines by the Civil Laws of the Empire, which are neither of them any way consistent with the conjugal familiarities of Man and Wife, so that to uncover the nakedness of a mans Uncle, is the same thing as to uncover that of his Father, and the Uncle and Uncles Wife being both by the primitive

Inſtitution of God himſelf, conſidered as the ſame perſon, to marry with his Aunt is to commit Inceſt with his Mother. Again, *v.* 15. *Thou ſhalt not uncover the nakedneſs of thy Daughter-in-Law, ſhe is thy Sons Wife*; that is, they are all one, and 'tis the ſame thing as if you ſhould uncover the nakedneſs of your own Daughter, and *v.* 17. *Thou ſhalt not uncover the nakedneſs of a Woman and her Daughter*; becauſe the Woman is your ſelf and therefore her Daughter is yours; but then it follows: *Neither ſhalt thou take her Sons Daughter, or her Daughters Daughter to uncover her nakedneſs*, becauſe being united to the Mother from whom they are deſcended, He is by interpretation a Common Parent, as well as ſhe, to all that derive their pedigree from her Loyns.

§ 3. This is ſufficient to ſhew, that by the firſt inſtitution of things, the Brothers Wife and the Brother are both of them conſider'd as the ſame, ſo that to uncover the nakedneſs of the Brothers Wife is, as the Law expreſſes it, to uncover the nakedneſs of the Brother himſelf, and conſequently the ſame thing as to marry a Man's own Siſter: Siſter and Brother Germans being, tho in different Sexes, the ſame degree of relation. It is clear therefore that, if to marry

marry a Sister German, or a Sister Uterine were prohibited before the Law, then to marry the Brothers Wife, unless in the case before excepted, must be prohibited also, because all these things depend upon that fundamental position, that Man and Wife are to be considered as the same person, which is as ancient as *Adam*, and depends upon no less Authority than that of God himself.

§ 4. Now that to marry a Brother or Sister German, (bateing the first intermatches between *Cain* and *Seth* and their Sisters, which the same necessity that caus'd must excuse) has been always look'd upon as unlawful, even before the time of *Moses* and the delivery of the Law by him, I will prove by several arguments.

§ 5. First, Because all the prohibited Marriages and Lusts, mentioned in the Chapter of *Leviticus* above cited, are reckoned amongst those sins which were the reasons of Gods wrath amongst the *Amorites*, the Ancient Inhabitants of the Land of *Canaan* *v.* 27. 28. *For all these abominations have the men of the Land done, which were before you, and the Land is defiled: That the Lord spue not you out also, when ye defile it, as he spued out the Nations that were before*

before you. Again, *v.* 30. *Therefore ſhall ye keep mine Ordinance, that ye commit not any of theſe abominable cuſtoms which were committed before you.* and *ch.* 20. 23. *And ye ſhall not walk in the manners of the Nations, which I caſt out before you, for they committed all theſe things, and therefore I abhorred them.* Wherefore there being no puniſhment inflicted but for ſin, nor any ſin againſt God that is not a Tranſgreſſion of ſome divine Law, nor any divine Law but what is either Natural or Poſitive, that is to ſay, revealed, it is manifeſt that the marriage of the Siſter German was an offence againſt one if not againſt both theſe Laws, before the *Moſaick* diſpenſation was of any force or Authority in the World.

§ 6. And tho I am not ignorant, that ſome of the inſtances mentioned as forbidden, were notwithſtanding allow'd and practiſed by the permiſſion of God himſelf in former times; as in the caſe of marrying the half Siſter, or the Siſter by the Fathers ſide, which was *Abrahams* caſe and yet is expreſly forbidden. *Lev.* 18. 9. yet that this of the Siſter German was not of that nature, I conjecture with great probability from the puniſhment annext to it as its ſanction. *Lev.* 20. 20. *If a man ſhall take*

his

his Brothers Wife, it is an unclean thing, he hath uncovered his Brothers nakedneſs, they ſhall be Childleſs; that is, not that God would viſit them by a particular judgment of Barrenneſs, any more than in the other inſtances, mentioned in the ſame Chapter where all the puniſhments are all along inflicted by the hands of men, but it is meant, that they were immediately to be put to death, without giving them ſo long a Reprieve as to prolong their memory by their iſſue, they were to be utterly and totally cut off from their People, both in their own perſons and that of their poſterity, as it is *v.* 18. they were to *die Childleſs*, as it is *v.* 20. and ſo the Seventy have likewiſe render'd it in this verſe, as well as in the former, ἄτεκνοι ἀποθανοῦνται. It is the ſame thing with, *they ſhall ſurely be put to death, v.* 10. *their blood ſhall be upon them, v.* 11, 12, 13. *he or they ſhall bear their iniquity, v.* 17, 19. That is, there ſhall be no Atonement for them by any Sacrifice or ſin Offering, but they themſelves ſhall bear their own iniquity, and ſuffer death in their own proper perſons.

§ 7. But now it is not at all likely, that that which was no offence before the Law, ſhould under it be thought ſo heinous that no Sacrifice, no Luſtration, no Redemption,

demption, no Expiation would be admitted, but the person offending must without mercy, without the least reprieve or respite of his sentence immediately suffer death: I conclude therefore, what I design to prove, that the marriage of the Brother to the Brothers Wife, and much more of the Brother to the Sister German was forbidden, and abominable in the sight of God, before the promulgation of the *Mosaick* Law, which is my first argument.

§ 8. But then Secondly, That the marriage of Brother and Sister Germans, and consequently of the Brother to the Brothers Wife, which I have already shewn to be the same, is unlawful, will be sufficiently proved, if I can prove there was any such thing as an incestuous or prohibited mixture before that time, which, besides what has been said of the *Amorites* and other Nations the Ancient Planters of the Land of *Canaan*, I can prove by other instances both before and after the Floud.

§ 9. And First before it. *Gen.* 6. 2. We find it thus writen. *The Sons of God saw the Daughters of Men that they were fair, and they took them Wives of all which they chose.* that is, they made Intermarriages among one another, without any regard to the prohibited degrees of Consanguinity,

so

ſo that they made no ſcruple of marrying even their own Siſters, if they were ſuch as they could ſet their affections upon, which practice of theirs was ſo provoking to Almighty God, that it is ſaid in the next *verſe*, *And the Lord ſaid, My Spirit ſhall not always ſtrive with man.* His days were immediately ſhortned upon it, and very ſoon after, upon the continuance of this and other, as it ſeemeth to me, ſomewhat leſs horrid impieties, for this is only mention'd to ſet the more particular mark and brand upon it, that fatal Deluge happened by which the Old World, and all that was in it, Eight Perſons and the Creatures that were with them only excepted, was deſtroyed. Now that inceſtuous marriages and particularly thoſe of Siſter and Brother are here underſtood, I prove thus.

§10. Firſt, They took them Wives of all whom they *choſe*, therefore it muſt not be underſtood of any Rape or Violence, but it was the effect of *choice* which is an eaſy and gentle as well as a deliberat thing. Secondly, They took them *Wives*; which implyes not a ſudden Violence, but a laſting contract between the parties, by which they were obliged mutually to enter into a Matrimonial eſtate, and live at Bed and Board together.

And

And, which is a mighty confirmation of this interpretation, this is described as the state and condition of the World just before the coming of the Floud, by St. *Matthew* and St. *Luke*. *Mat.* 24. 38, 39. *Luk.* 17. 27. *They did Eat and Drink they married Wives and were given in marriage, untill the day that* Noah *entred into the Ark, and the Floud came and destroyed them all.* So likewise, 2 *Pet. c.* 2. *v.* 5, 6. *God spared not the Old World, but saved* Noah *the Eighth person a, Preacher of Righteousness, bringing in the Floud upon the World of the ungodly, and turning the Cities of* Sodom *and* Gomorrah *into Ashes, condemned them with an overthrow, making them an ensample unto those that after should live ungodly.* What is meant most especially in the latter *verse* by the word *ungodly* we know very well from the History of those wicked places; but the Old World not being charged with so unnatural a crime, which yet it is very probable it would have been, had it been guilty of it, the best, as well as the most charitable, way of interpreting the same word in the former *verse*, is by expounding it of incestuous mixtures which have always in the esteem of the World been accounted the next in guilt to it.

§11. The

§ 11. The ſame thing is likewiſe wonderfully confirmed from an expreſſion in the ſtory of *Zelophehad*, *Num.* 36. 6. *Let them marry to whom they think beſt*, which anſwers exactly to that other place in *Gen.* *they took them Wives of all which they choſe*, and is of the ſame import and ſignification: *Let them marry into their own family, for the better preſervation of the inheritance*, without regard to thoſe reſtrictions, within which the Law of *Moſes* would otherwiſe have circumſcribed them, and accordingly, they all married to their Couſin Germans, which were yet in other caſes prohibited by the Law of *Moſes* and by the practice of the *Jewiſh* Church, as I ſhall prove more largely in another diſcourſe, wherein I ſhall ſtate that whole caſe and ſhew, that as well by the Law of Chriſt, as that of *Moſes* and not only ſo but by the Law of nature too, ſuch marriages are *ex antecedenti*, unlawful, tho after they be conſummated by fruition, they are upon the ſame reaſons valid upon which before it they are prohibited and void.

§ 12. Thus much may ſerve for the firſt part of what I undertook to prove, that the place in *Geneſis* above cited is to be underſtood of Inceſtuous Mixtures: I will now

shew that the Marriage of *Sisters* and *Brothers Germans* is chiefly, if not only, pointed at in this place, by this Syllogism.

Either the Marriages both of Mothers and Sisters, with their Sons and Brethren is to be understood in this place, or of Sisters and Brothers only.

But the Marriage of Mothers with their Sons is not at all pointed at in this place.

Therefore it must of necessity be meant of the Marriage of Brothers and Sisters only.

The Major I prove plainly from this, that all other degrees of Consanguinity before the delivery of the Law were no obstruction to Marriage, for of the Marriage of Cousin Germans, we have an instance in *Jacob*, who married *Rachel* and *Leah* his Uncle *Labans* Daughters, of the Aunt in *Amram* the Father of *Moses* himself, and of the half Sister by the Fathers side, in *Abraham* the Father of the *Jewish* Nation. It remains therefore, since the very next degrees, both in the ascending and in the collateral line were permitted that this Text cannot possibly be understood of any other Incestuous Marriages, but those of Brothers and Sisters Germans, or of Sons and their natural

natural Mothers together; but of the Marriage of Sons with their Mothers, it is absurd to understand it, for this reason, that it is said, *the Sons of God saw the Daughters of Men that they were fair*, in which it is plainly implyed, that they were young and Virgins; at least, thus much is true that the Epithet of *fair*, is by no means sutable to Women in their declining Age, as they must needs be who are the Parents of marriageable Children; it is therefore evident that it must be meant of the Intermarriage of Brothers and Sisters Germans together, which was the thing I undertook to prove.

§ 13. And this being so great a provocation to Almighty God, that it was one of the main causes of that dismal Floud with which the Old World was overtaken, and it being inconsistent with the Justice of God, to punish an offence so heavily and so universally, which they themselves who did it, did not know to be a sin, it follows plainly that before the Floud such Marriages were, and were accounted in the esteem of the World, unlawful.

§ 14. Having thus proved that before the Floud there were prohibited degrees of Consanguinity, and that the transgressing those bounds by Incestuous Mixtures, which

did then very frequently prevail in the World, was one great cause of that universal calamity with which it was overtaken; it may seem an unnecessary task to go about to prove, that the same prohibitions were esteemed no less sacred and inviolable after it, since *Noah*, who together with his Sons were innocent of this sin, and yet knew so well as they did, by the punishment of others, how heavily displeasing it was in the Eyes of God, could not choose, together with the tradition of the Floud it self, but deliver down the causes of it to their Posterity, together with a caution to avoid the same iniquities, for fear of being visited, tho not with the same (for God had made a promise that he would not drown the World any more) yet, with some equally terrible and dreadful judgments.

§ 15. But yet, because nothing can be too sure, I will prove it by a double instance, by the first of which it will appear, that the marriage of Parents with their Children; by the second, that that of Brothers and Sisters Germans or Uterines with one another, was after the Floud and before the delivery of the Law, look'd upon as detestable and unlawful.

§ 16. The First is the case of *Lot*, who lay with his Two Daughters, from which

which incestuous Coitions the two great people of *Moab* and *Ammon* were descended; but they despaired of prevailing upon him to gratify their wicked desires, till they had made him so much more than mellow, that it is said, *he perceived not when they lay down or when they arose*, *Gen.* 19. 33. which is a plain argument that a just and righteous man, which is the Character of *Lot*, would not, in his right senses and while he continued to have a due exercise of his reason, have been guilty of a Congression of that nature, and consequently that in those times it was esteemed and looked upon by all as an abominable and accursed thing.

§ 17. The Second instance is that of *Abraham*, when being charged by *Abimelech*, the King of *Gerar*, for having deceived him under pretence that *Sarah* was his Sister, when she was in reality his Wife, says in excuse of himself, *Gen.* 20. 12. *She is my Sister, she is the Daughter of my Father, but not the Daughter of my Mother, and she became my Wife*, by which it is plain, that in the opinion of *Abraham* her being a Sister only by the Fathers side, was not an hinderance to Marriage, and this being spoken by way of appeal, and in his own vindication to *Abimelech*, who had

indeed injured himself, for want of duly considering the true meaning of *Abrahams* expression, it is an argument that it was the Custom of those times, and that the same degrees of Consanguinity were allowed and prohibited at *Gerar* as well as in the family of *Abraham*, who probably if in these matters he had differed from his neighbours, it would have been in this that the allowances would have been rather more narrow than more indulgent and licentious on his side.

§ 18. I know very well that *Josephus* and out of him Bishop *Taylor*, and out of him his Transcriber, *T. D.* the Writer of a small Treatise in behalf of the Marriage of Cousin Germans, will needs have *Sarah* not to have been *Abrahams* Sister in that sense in which we usually take the word, but only his Niece, the Daughter of his Brother *Haran*, and the same with *Iscah*, *Gen.* 11. 29. and this he tells us, *p.* 84. of that little piece, will appear to any one who rightly considers the place; but indeed, whether I have rightly considered it or no, I am sure I have considered it as well as I can, and I can find no such thing in it, but *Sarah* and *Iscah* are both of them mentioned in the very same *verse*, which it is not likely that it would have been done without

without any mention of the change of the name, as is usually done, or without so much as intimating that she was called by both of these names, if they had been both of them one and the same person.

Besides, if a man would be understood of his half Sister or his Sister by the Fathers side, how could he express himself more clearly than thus. *She is my Sister, she is the Daughter of my Father, but not the Daughter of my Mother.*

Again that very expression, *she is the Daughter of my Father, but not the Daughter of my Mother*, cannot without granting many precarious assertions, and such as can no way be justifi'd, be understood of the Niece or Brothers Daughter, so, as the sense of the place must at that rate, be this; She is the Daughter, or Grandchild of my Father *Therah*, but not of my Mother, but she is his Grandchild by some other Wife, who was the Mother of *Haran*; so that it is plain to make this interpretation good, these two things must first be granted, First, that *Therah* had two Wives, either together, which cannot be proved of any but *Lamech* before the Floud, or successively, which cannot be proved neither; and if it could be proved yet, Secondly, it must be granted likewise that of these two, *Abraham*

was the Son of the one, and *Haran* of the other, but that they were not both descended of the same Mother; all which is not only a shameless but also a very needless begging of the question.

For the reason, as I conceive, why this opinion was First started in the World, was out of a pious design to defend *Abraham* from the Obloquy of an incestuous Mixture, whereas if a man would consider things aright, the Niece or Brothers Daughter, is rather more than less a kin than the half Sister by the Fathers side, and that upon two several accounts, both because the Father's is of the two, the more uncertain side, and because in the Niece or Brothers Daughter, there is at one remove if he be Brother German, as it cannot be proved that *Haran* was not, the blood of both our Parents running in her veins, besides that to such an one we are *parentum loco*, which is another hindrance to Marriage in the *Mosaick* as well as the Civil Law,

I conclude therefore upon an impartial survey of the whole matter, that this conjecture, let it be supported by never so great names, is not only precarious but improbable into the bargain. Neither do we read of any other change of Name which *Sarah* ever suffered but only that of *Sarai*, by

by a very light mutation into *Sarah*, which is as much as *Domina*, *Ductrix*, *Princeps Fœmina*, to make it of the same signification with *Miriam* or *Maria*, which was the Name of the blessed Virgin, from *Mar* or *Maran Dominus*, whence the *Maronites* in the East, and that bitter form of Excommunication called by St. *Paul Anathema Maranatha* have their name likewise.

For as *Isaac* was A Type of Christ so what the blessed Virgin was to him, that *Sarah* was to *Isaac*, the respective Mothers of those two blessed offsprings, the one an Old Woman with whom it had long ceased to be after the manner of Women, the other a spotless Virgin, that had never known man, both of them in a manner equally miraculous as hath been said else where in the case of *John* the Baptist his forerunner.

The Result of all is this, it hath been sufficiently proved that for Brothers and Sisters Germans to marry, was all along accounted impious and unlawful, it hath been proved likewise, that the Marriage of the Brothers Wife in all but the case excepted, is in the interpretation of Law the same thing, as to marry the Sister German, lastly, by the expreis words of the Levitical Table of Marriage it appears that where the Brother dying

dying leſt Iſſue, at leaſt Male Iſſue begotten in lawful Wedlock, behind him, ſuch Marriages were puniſhable with death; which Puniſhment was too ſevere for the breach of a Law, that had not ſomewhat more than a poſitive turpitude in it, or of ſuch a Marriage as was till that time without ſcruple allowed and practiced in the World.

It is therefore clear upon more accounts than one, that ſuch marriages in general were always reckon'd inceſtuous and forbidden; *Onan* therefore being put upon paying this ſervice to the memory of his Brother, ſo much againſt his own inclinations, as we ſee by the ſtory it was, might have urged in his own excuſe, that it was an Inceſtuous Mixture, forbidden by the Law of Nations, and the conſtant practice of thoſe and former times, and that though there be an entire Obedience due to the Commands of our Parents, as well as Politick Superiours ſo far as thoſe Commands are in the matter of them Lawful, yet that in this, as in all other caſes, where the Divine and Human Authority interfere with one another, it was better to obey God than Man, which ſince he did not do, but inſtead of that made a ſemblance of Obedience, though he was reſolved before hand not to do it, it is a plain indication that this caſe had been

been excepted by the uſage of thoſe times; neither is it likely that God would have puniſhed this diſobedience with that ſeverity which he did, if he had refuſed that ſervice in compliance, or at leaſt in agreement to the Laws of God, or the Uſages, though but reputedly ſacred, of thoſe times.

The ſame is likewiſe further clear from the apprehenſion of *Judah*, leſt the ſame untimely Fate might likewiſe be the portion of his youngeſt Son *Shelah*, if *Tamar* thorough his neglect did not continue in her ſtate of Widdow-hood, till *Shelah* was grown up to marriageable years, *v.* 11. *leſt peradventure he dye alſo, as his Brethren did*, which yet would have been no fault of his, if through the negligence of the Father a ſufficient reſtraint had not been laid upon his Daughter *Tamar*; neither could *Shelah* have ſuffer'd any thing by it, if it were not that God does often puniſh the ſins of the Fathers in the Children, which is no more than a proper exerciſe of his Soveraign Power and Dominion over men.

But *Judah* had been guilty of no ſin, in ſuffering her to marry abroad, if the reaſon of her marriage to *Onan*, Firſt, and of her being afterwards deſigned for *Shelah*, had

not

not depended on something else besides his own arbitrary pleasure. Further we do not find that she was afterwards actually married to *Shelah*, but it is more probable from the silence of the Scripture in it, that she was not, because by the *Levitical* Law, which in this instance also seems to have been much ancienter than the time of *Moses*, it was not Lawful for the same Woman to conceive by the Father and Son. And though it be true that she did successively enjoy both Son and Father, yet neither was this right in it self, but only comparatively, & is somewhat excused from a sort of necessity that seem'd to attend it; *She hath been more righteous then I*, said *Judah*, as much as to say, she hath done an abominable thing, but I that which was more impious than she, by with-holding my Son *Shelah* from her embraces, whom Custom and my Promise, and the respect due to the memory of my deceased Son, had given her for her Husband, and whom she had purchased by performing the condition of Widdow-hood on her part, and by patiently expecting the time beforehand stipulated between them. Therefore he said rightly, *She hath been more righteous than I*; for *Er* the Eldest Brother was to raise up seed to the Family, or to propagate the name of *Judah* himself,

himself, he dying with Issue, it was to be propagated by *Onan* and by *Shelah* his Proxies, which since the one did refuse, and the other did either refuse or was prohibited to do, what remained but that either the memory of the Eldest Brother must perish, or the Father himself perform the Husbands part, and propagate his own memory, and that of his Eldest Son deceased in his own person; which though in it self detestable, yet the sin was partly his own, in putting something that looked like a kind of necessity upon the Woman; and it being directed to an intention not only less culpable than the action it self, but also such as was laudable and just, though unjust to compass it by this means, it is for this reason he saith, *She hath been more righteous then I.* *

* *Drusius in loc. Justa est quam ego, quomodo justa quæ si adulterio temperaverat? Non dicit justa simpliciter, sed justa quam ego & est sensus magis quam ego, i. e. justior.* Comparative *igitur justa erat.*

Lastly the same thing is evident from this, that till *Judah* was rightly informed of the matter, he would have burnt his Daughter *Tamar* for an Adulteress, as having after a promise not to do it, by forsaking *Shelah*, adulterously betray'd the Bed of her Husband *Er*, by which you see likewise, which is an other confirmation of

of what hath been said, that Adultery long before the delivery of the Law was punished with Death but it does not seem that he would have punished this offence so heavily, if the Custom and Law of that time, had not made it Adultery to marry or enjoy another so long as any of the Brethren still remained alive, and in a Condition or likelyhood of being so, to propagate the name of their Elder Brother.

It remains then that this Custom must needs be ancienter than the time of *Judah*; and since there is no instance of any such thing in all the Family of *Abraham*, though you go as high as to *Sem* himself, till you come to the Sons of *Judah* in this Chapter, since all the Sons of *Noah* were actually married at one and the same time to several and distinct Wives Since *Noah* himself is no where taken notice of as the beginner of any such practice, or as an example of it it seems most reasonable to go yet further backwards and place the first beginnings of this Ancient usage in the ante-noachical or ante-diluvian times.

I will not defend this fact of *Tamar*, from all suspition of guilt, when it may seem to be at first sight, not only a very unlawful but a very detestable practice and when at this distance of several Thousand Years being in

a manner perfectly unacquainted with the usages of those times, it is utterly impossible to make such a Judgment of the case, as may be reli'd upon for truth in all its parts.

But thus much I will say, she was not by so doing guilty of Adultery, though whether she were of Incest or no, will require some further consideration; for either *Shelah* the Third Son of *Judah* was alive, or he was dead; if he were alive, it is true she was engaged to expect the years of his Maturity, that he might perform the Husbands part, in raising up Seed to his deceased Brother, and by not expecting that appointed time, she did in effect betray the Bed of her first Husband *Er*, whose person *Shelah* was in this case to sustain. But if after she had staid thus long, which was all that she was obliged to do, she did then demand him in Marriage, according to the contract and agreement formerly made between them; if *Judah* who was to receive all the benefit of this agreement, which was the propagating of his own and his Sons name, and the continuing the Inheritance in the line of the First born, would not stand to the contract into which he had entred for his own advantage, by all the Law, and all the equity in the World, the party to whom no benefit

benefit accrews is free of any further obligation, which was exactly *Thamars* case, to whom it might be indifferent, whether she continued in the same house, or married into another, and who might perhaps fancy some other person for her Husband more than she did *Shelah*, in which case it is altogether unreasonable she should be under any restraint, when the parties on whose side all the advantage lies, will not make good their own part of the bargain.

It is clear then she could not be guilty of Adultery upon supposition that *Shelah* being alive, had himself refused, or had by some external force been hindred from performing his part of the condition, which it was impossible for him at that time to do, without his Fathers consent, who had, as it seems, according to the Ancient practice of the first, mortals *jus vitæ & necis*, an absolute and despotical power over all his family and dependants, as appears by the sentence passed upon *Tamar* without any other Process or Formality of Law, but his own Arbitrary decree, *Gen.* 38. 24. *bring her forth and let her be burnt.*

Of which despotical power of Parents over their Children and such was *Tamar* in this case, being still considered as the Wife of her first Husband *Er*, the Son of *Judah*,

Judah so long as *Shelah* lived, who was when he came to Age to sustain his person, and propagate his name) we have two known instances in the Ancient *Roman* story, the first is that of him of the surviving *Horatii*, who killed his own Sister, for bewailing the Death of her Lover, an enemy of *Rome*, who being for this fact arraigned, and about to receive sentence of Condemnation from the *Duumviri*, who sat in Judgment upon him, was thus defended and interceeded for by the miserable old man his Father, who was now in danger of losing all his Children, though not many hours before, the happy Parent of a numerous and hopeful Offspring, *Se Filiam jure cæsam judicare, ni ita esset patrio jure in filium animadversurum fuisse.* Liv. lib. 1. The Second is of *Sp. Cassius* in the Second Book of the same Author, who being accused of aspiring to be King, a name so hated at that time by the *Romans*, among other accounts given of his punishment, is said to have been sentenced to Death for it by his Father, and executed at home by vertue of that Sentence. *Livies* words are these: *Sunt qui patrem auctorem ejus Supplicii ferant, eum, cognitâ domi causâ, verberâsse ac necâsse: peculiumq; filii Cereri consecraviss; signum inde factum esse, & inscriptum, EX*

CASSIA FAMILIA DATUM. And not unlike to this and the former instance is that of *L. Virginius*, in the 3*d*. Book of the same Writer, who, as it may seem by vertue of this paternal power, slew his own Daughter, to free her from the Lust of *Appius* the *Decemvir*, but as for the story of *Manlius*, it being rather an effect of Military Discipline than his Authority, as a Father, it is not here to be accounted for.

Neither is it to be doubted, but the *Romans* were beholding for the exercise of this Paternal Right, to some other People, both more *Ancient* and more *Easterly* from whom they were descended, both because we have here a plain instance of the same Authority, invested in the person of *Judah*, and because in the beginning of things, when almost every distinct Family was a little Kingdom by it self, of which the *Paterfamilias* was the Supreme Lord, from whose determinations there was no manner of Appeal, it must needs be for the keeping this Family in due Order, there must be the same distinction of punishments according to the different natures, and differing aggravations of Offences, as are to be met with in greater Bodies; and in truth when matters are examin'd to the bottom it will be found, that the Original of all Justice,

as

as well as Goverment, is from private Families; but enough of this.

From hence it appears that whether *Shelah* refused to comply himself, or whether an outward restraint were laid upon him by his Father, the first of which seems to have been the very truth, it is the same case, and she is either way freed from all manner of obligation, and consequently could not be guilty of Adultery by the enjoyment of another.

Or else Secondly if you suppose *Shelah* to have been dead before this happened, then she seems still to be more excusable, in that all the Brothers being dead one after another, there was no body now left to raise up Seed to the Eldest, therefore he was perfectly dead to all intents and purposes, both in himself and in his Proxies, and so there was no possibility of committing Adultery with relation either to him or them.

It is true indeed according to the practice of after days, which seem to have taken their Coppy from these, and those that went before them, in default of a Brother, the Widdow of the deceased might challenge the next of Kin, as is clear from the instance of *Ruth*, who first demanded a *nearer Kinsman*, and then upon his refusal *Boaz*

in Marriage, the latter of which challenges was accepted.

And though it seems clear in the Law of *Moses*, at least as to an immediate Brother, that the Woman was bound to put in her Claim to him, yet it was still at his liberty whether he would comply with it or no, only it seems by the instance of the neareſt of Kin in the family of *Elimelech*, in the story of *Boaz* and *Ruth*, that he was to give some tolerable reason of such his refusal.

But then again there be two reasons why such challenges as these were made; The first was this, That the Younger was considered in the Nature of a Servant to the Elder, of which I shall speak more largely by and by, but this did not hold in the collateral Relations, who were not under the same subjection to the party deceased, nor to the despotical Authority of the *Pater-familias* who was in the Nature of a common Soveraign to all the Sons, but had no such power over the descending Relations in the transverse or oblique Line.

Secondly, It was done for the better preserving the Inheritance in the Line of the First-born, for which reason the First-born of this imputative Wedlock, was to rise up in, and inherit the name of the deceased, that

that is, not that he was to be called by the ſame name with his imputative Father, for the Son of *Ruth* by *Boaz*, was not called *Mahlon*, which was the name of her deceaſed Husband, but *Obed*; only all the buſineſs was, he was to inherit the eſtate of the deceaſed, which it was not in the power of his real Father to alienate from him, or divide among the Children of another *Venter*, neither had he any right to ſuch Inheritance, but what was devolved upon him by his Elder Brother for the uſe of his Eldeſt Son, by his ſaid Brothers Wife, begotten by him in his Brothers ſtead.

It is apparent therefore, if there were no inheritance in danger of being alienated from the Houſe of *Judah*, or of his Eldeſt Son, *Er*, that ſhe had no manner of reaſon why ſhe ſhould challenge the *next* of *Kin* upon the deceaſe of the three Brothers, and therefore clear that ſhe did not do it, much leſs would any of them be under any the leaſt obligation to accept of any ſuch challenge as that was.

For that *Judah* and much leſs his Eldeſt Son, had yet no Inheritance of their own, may ſeem probable from this, that *Jacob* himſelf was yet alive, beſides that they ſhortly after were to part for *Egypt*, bidding a long Adieu to the Land of *Canaan*,

and all their immovable Poſſeſſions in it. However *Judah* himſelf being ſtill as we ſee by the ſtory in a condition capable of leaving a Poſterity deſcended immediately from his own Loyns, it was a prepoſterous way to have recourſe to this artificial remedy in the tranſverſe Line, when Nature as yet was ſo vigorous and warm as to be able to propagate and continue its ſelf; ſo that it remains an undeniable truth, that whether *Shelah* were alive or dead, ſhe was free from all manner of Obligation either to him or any other of that Family, and therefore could not by this Action be ſaid to have committed Adultery, which was the thing to be proved.

But now after all it is certain that *Shelah* was yet alive, *Gen.* 46. 12. *The Sons of* Judah, Er, Onan, *and* Shelah, Pharez *and* Zerah: *but* Er *and* Onan *dyed in the Land of* Canaan. Which is as much as to ſay that *Shelah* did not but went along with his Father, Grand-father, and Uncles into *Egypt*, as it is alſo, *Num.* 26. 19, 20. *The Sons of* Judah *after their Families were of* Shelah *the Family of the* Shelanites, *&c.* 1 *Chron.* 4. 21. 22, *the Sons of* Shelah *the Son of* Judah *were*, Er, *the Father of* Lecah, *and* Laadah *the Father of* Mareſhah, *and the Families of them that wrought fine Linen, of the Houſe of*

of Ashbea. *And* Jochim *and the men of* Chozeba, *and* Joash, *and* Saraph, *who had the dominion of* Moab, *and* Jashubi-lehem. For this reason it is that *Josephus* reckoning up the Sons of *Judah* does not mention the two Eldest *Er* and *Onan*, because they dyed without Issue, but only *Shelah* the Youngest of the Three by his Lawful Wife *Shua*, and *Pharez* and *Zerah* begotten by him upon his Daughter in Law *Tamar*, his words are these *Antiq. l.* 2. Ἰούδα δὲ παῖδες ἦσαν Τρῶς, Σαλᾶς, Φαρὲς, καὶ Ζάρας. and it seems from this place of *Josephus* very probable, that such as dyed without Issue, their names were blotted out of the *Genealogical Tables* of the *Jews*; which is not only reasonable in it self to suppose, there being no use of such names in Tables of Genealogy, as do not spread themselves farther by a Posterity of their own, but it will also if admitted give a marvellous light to several places of Scripture, not yet sufficiently understood, as that of *Exod.* 32. 32. *Yet now, if thou wilt forgive their Sin, and if not, blot me I pray thee out of thy Book which thou hast written.* Not that *Moses* supposed any such thing, as that God kept a Scroul of Parchment, or a material or literal Book, wherein he did enter down the Names of those, on whom he was pleased to bestow

any mark of his favour, but it is manifestly a Metaphorical expression, and therefore must allude to some Custom or Usage of those times.

Now it is certain that Tables of Genealogy were constantly kept, I will not say from the Creation, when there were no letters, but as soon as ever letters began, this being the Principal if not the first use of Letters in all Nations. To what wherefore can this expression better allude than to those Tables? which being probably written over in every Family for themselves, when the Family increased, and consequently the Tables were to be enlarged, and often-times Transcribed for the use of new descendants in every Generation, they did not Transcribe any more than what was necessary to carry down the History of Succession, so as if a man had Five Sons as *Judah* had, Two of which dyed without Issue, and ended in themselves, they were omitted as useless out of this Table, because the knowledge of their names was of no use to the *Herauldry*, as I may call it, of those times, which could give a sufficient account of its self without them, but could not make use of them in order to the setling any doubt that should arise in the History of a Pedigree in after times.

Of

Of the ſame import is that of *Pſalm* 69. 28. *Let them be blotted out of the Book of the living, and not be written with the righteous.* The Book of Genealogies is called the *Book of the Living* becauſe in them their names abide for ever, and they live in their Poſterity, though in their own perſons they be dead and buried. And *not written with the righteous*, becauſe fruitfulneſs was always look'd upon among the *Jews*, and that with good reaſon, as an argument of Gods favour, and of ſomething commendable in thoſe on whom this bleſſing was beſtowed, and the contrary as a curſe of God, for ſome one or more very heinous and provoking ſins, which was manifeſtly the caſe of *Er*, and *Onan*, who ſeem therefore to have been left out of *Joſephus* his account, as not worthy the notice of after times.

So alſo *Pſ.* 109. 13. *Let his Poſterity be cut off, and in the Generation following let their name be blotted out*, i. e. when the next Generation, ſhall come again to Tranſcribe the Tables of Genealogy for themſelves, let the names of this mans Poſterity, as dying without Iſſue be omitted. And this no queſtion is the true ſenſe of that place, *Deut.* 25. 6. *And it ſhall be that the Firſt-born which ſhe beareth ſhall ſucceed*

ceed in the name of his Brother which is dead, that his name be not put out of Israel. Put out; viz. in that manner which I have said, and that in the Register of his Family his name may still stand over his imputative Offspring; which it was necessary it should do, because all the descendants from that adoptive Birth, enjoyed the Inheritance only in right of him, who himself died without any Issue of his own Body; so that if his name were left out of the Tables, the Estate would upon any controversy, be adjudged to some Collateral pretender, because his imputative descent in a right Line of adoption could not be proved; therefore it was necessary it should be entered down thus:

Mahlon } *Ruth.*
Boaz }
Obed.

Or some such way as this, to shew how he and his descendants came by that Inheritance which they enjoyed, otherwise he that died unmarried or being married had no Inheritance, nor Issue either of his own or his Proxy, his name was omitted as useless in the Catalogues of Succession.

It

It is out of dispute then that *Shelah* was yet surviving, it is likewise certain that he was now come to Marriageable Estate. *v.* 14. *She saw that* Shelah *was grown and she was not given him to Wife.* and *v.* 26. *She hath been more righteous than I, because that I gave her not to* Shelah *my Son.* So that all the remaining Question is, why he did not give her, which Question in all likelyhood must be Answered thus:

Onan had such such an aversation for the person of *Tamar*, or rather for the thoughts of getting Children to propagate the name, or enjoy the inheritance, if he had any, of another, that we see what prodigious brutality he was guilty of, to decline this ungrateful Service, and it is not unlikely that *Shelah*, when he came at Age, might as to this matter have the same sentiments with his Brother *Onan*, for it is natural to every man to hate Bondage, and to loath every thing that bespeaks him a Slave, which was the true reason of the Younger Brothers, performing the Husbands part to continue the name and memory of the Elder, as I shall prove more largely in its due place.

It is very likely therefore, that knowing how severely God had punished the beastly dissimulation of his Elder Brother, that very

very fact it ſelf being made death afterwards by the Law of *Moſes*, which is a new argument of the great Antiquity of the *Moſaick* diſpenſation, as to moſt of the things Prohibited or Commanded in it; it is very likely, I ſay, upon this account, that having the ſame averſion with his Elder Brother, he would not yet be guilty of the ſame foul Hypocriſy and Diſſimulation, but declined this ungrateful office more openly than his Brother had done, to which though his Father by his Arbitrary power might have compelled him, as he ſeems to have done his Son *Onan*, yet fearing to drive him to the ſame wicked extremity which had coſt the other his life, and would in concluſion rob him of all his Children, he did ſo far at laſt yield to the fixt and immovable averſion of his Son, as to ſuffer him to Marry another, for Marry it is certain he did, as I have proved already, and from that match the *Shelanites* were deſcended.

Beſides that *Tamar* would have had no reaſon to deſpair, which yet it is certain ſhe did, *v.* 14. If *Shelah* had ſtill continued perfectly diſengaged, for ſo long whatever his own inclinations were, ſhe had a reaſonable ground of hope, that he was ſtill by his Father *Judah* deſigned for her, in purſuance

purſuance of the agreement made between them, *v.* 11. The ſame is clear from *v.* 26. *Becauſe that I gave her not to* Shelah *my Son*, for if he had remained ſtill unmarryed, and had been firmly deſigned by *Judah* for her Bed, it would have been no excuſe for her, that he had not done it yet, ſo long as he had not violated his faith by giving him to another.

It is certain therefore that *Shelah* was not only alive at this time but actually Marryed, and being ſo he had ſtill a further excuſe why he would not raiſe up Seed to his Brother.

Becauſe beſides his own averſion, which would to be ſure encreaſe, with the love which he may well be ſuppoſed to have conceived for his other Wife, the piques and animoſities betwixt the two Women might make it a duty which he owed to the quiet of his Family and the comfort of his Life, to continue with the ſame or greater obſtinacy to refuſe her, than he had formerly done; nay, the rational proſpect of thoſe differences which do naturally ariſe in Families from *Poligamy*, where there are more Women than one pretending at the ſame time to an equal or greater ſhare in the affections of the Husband, and in the Government of the Houſe, together with the

the quarrels and little janglings of the respective broods, which might in time grow up to a mortal enmity betwixt them and their Families for ever; in all which differences the Mothers would be sure to side with their respective Offsprings, and would engage all the Servants under them to take their parts, by which means the whole Family would be engaged in a kind of *Civil* War, and would be embroyled in everlasting Tumults and Disorders; this alone might be sufficient to deter him from admitting *Tamar* into the partnership of his Bed, and much more would the experience which he might possibly have of the inconveniences that had actually happened, scare him from admitting any rival in his love, or partner in his conjugal embraces.

Though in truth whether it were from these unfortunate janglings, or that in those times it was not looked upon as lawful, the instances of *Poligamy* before the Law, are very rarely to be met with: I do not remember to have found above one before the Floud, and that is of *Lamech* who had *Adah* and *Zillah* to his Wives at one and the same time, and but two after it, and before the delivery of the Law, that is, of *Jacob* who had *Rachel* and *Leah* the Daughters

Daughters of his Uncle *Laban*, and of his Brother *Eſau*, who had Three Wives, but Two were ſuch as it was not Lawful for any of *Abrahams* Poſterity to marry, for which reaſon they are ſaid to have been *a grief of mind to* Iſaac *and* Rebekah *Gen.* 26. 35. upon which account it is moſt probable that he afterwards married *Mahalath* the Daughter of his Uncle *Iſhmael*, *Gen.* 28. 9. only to reconcile himſelf to his offended Parents.

How the firſt of theſe agreed we cannot tell, but it is probable bad enough, from what has been ſaid already; and whether that *Homicid* which was committed by *Lamech* were not the effect of ſome Womaniſh quarrel, may rather be ſuſpected at this diſtance of time than proved, but ſomething ſure was the matter, which made him ſo pathetically apply himſelf to them, as if they had been ſome way or other concerned in it, *Gen.* 4. 23. *And Lamech ſaid unto his Wives* Adah *and* Zillah, *hear my voice ye Wives of* Lamech, *hearken unto my ſpeech, for I have ſlain a Man to my wounding and a Young man to my hurt.* And as for the laſt of them, the contentions between *Rachel* and *Leah* are ſufficiently known, to all that are not perfectly unacquainted with the Scripture ſtory.

Where-

Wherefore *Shelah* being now Married to another, he had now the inconveniences of *Poligamy* to represent in his own behalf, which is in its self, and has been always accounted a very reasonable excuse, as in the case of the nearest of Kin of the Family of *Elimelech*, his excuse why he would not purchase the Field of *Naomi*, nor redeem the Inheritance of *Mahlon* and *Chilion* is this, *I cannot redeem it my self, lest I marr my own Inheritance*, *Ruth* 4. 6. But how comes that to pass? *Josephus* will tell you. ἐῖναι δὲ καὶ γυναῖκα λέγων αὐτῷ καὶ παῖδας ἤδη. *he said he had a Wife and Children already.* Which whether it were the Answer that he gave or no, yet it would have been ridiculous in *Josephus* to represent him speaking thus, if this had not been looked upon as a reasonable excuse, among the *Jews*, and a proper Bar to Marriages of this Nature.

Again it seems very probable that this was the very Answer, or substance of the Answer which he gave, because this Answer is a very genuine interpretation of the place in *Ruth* above cited. *I cannot redeem it my self, lest I marr my own Inheritance.*

Now there are two ways by which the Inheritance might be marred, First if there were

were a Mortgage on the field of *Naomi*, or the Inheritance of *Chilion*, which Mortgage could not be wrought off without making a *Versura* and turning the inconvenience upon his own Estate, which yet in the end would come all to a case; for in the year of *Jubilee* this incumbrance would be taken off, and in the mean time it would have been a very hard bargain, if the land which he had cleared would not more than answer the inconvenience of that which he had morgaged. Neither was it reasonable that the Eldest Son of this *Vicarious* Bed, should enjoy the entire Inheritance of his *reputed* Father when he came at Age, supposing the *Jubilee* did not happen before that time, till the debts of his *real* Parent contracted by this Marriage were satisfied. But this at the long run would be so far from an inconvenience if a man had no Wife before, that it would rather be a very great advantage, because by this means there would be one Child provided for, and his own Estate left entire to make provision for the rest.

It is therefore necessary what *Josephus* hath represented, that you suppose him to have been Married before, and then indeed besides the inconveniencies of *Polygamy*, there would be this detriment accrue to

his own inheritance; That the first Child enjoying the whole fortune of the reputed Father, all the rest were looked upon as his *own* Offspring, by which means it would come to pass that out of the same fortune, and that perhaps not very plentiful neither; he would have two Wives, and two distinct broods of Children to make provision for.

If the business of Polygamy had not been a lawful barr against Marriages of this nature, when the party challenged was not inclinable to comply, it would have been in a manner impossible, considering the great Antiquity of this usage, which I have already cleared, but we must have had more instances of Polygamy before the Law than are to be found in Scripture, whereas there are but three in all, one of which seems to me to labour under the suspicion of a much fowler occasion, the other has been proved to be unlawful, and the last was a matter of necessity not choice, as proceeding from the treachery of *Laban*, contrary to the true meaning and intention of *Jacob*.

Thus far therefore *Josephus* is in the right, but yet there is one thing in which no question he is much out of the way: his words are these, in the very same *Paragraph* from

from whence I have taken the former; Καὶ μεταπεμψάμενος ὁ Βόοζος Ῥοῦθον ἐκάλει καὶ τὸν συγγενῆ καὶ παραγωγόνου, φησὶν, Ἀβιμελέχου καὶ τῶν υἱῶν αὐτοῦ κλήρων κρατεῖς; ὁμολογήσαντος δὲ, συγχωρούντων τῶν νόμων καὶ ἀγχιστείαν, οὐκ οὖν, φησὶ ὁ Βόοζος, ἐξ ἡμισείας δεῖ μεμνῆσθαι τῶν νόμων ἀλλὰ πάντα ποιεῖν κατ' αὐτοὺς μᾶλλον. ἐδοῦ γὰρ δεῦρ' ἥκει γύναιον, ὅτῳ, εἰ θέλεις τῶν ἀγρῶν κρατεῖν, γαμεῖν σε δεῖ καὶ τοὺς νόμους. ὁ δὲ Βοόζῳ καὶ τοῦ κλήρου καὶ τὴν γυναικὸς παραχωρεῖ, συγγενεῖ μὲν ὄντι καὶ αὐτῷ τῶν τετελευτηκότων. That is, Boaz *sending first for* Ruth, *and then for him who was nearest of Kin of the Family of* Abimelech, *asked him this question, dost thou possess or occupy the Inheritance of* Abimelech *and his Sons? yes, said he, I do, as being next of Kin. Nay, but said* Boaz, *we must not observe the Law by halves; Therefore either leave the Inheritance, or take this Woman with it (to raise up the name of the dead upon his Inheritance) at which words he immediately quitted his pretensions both to the Woman and the Inheritance to* Boaz *who was himself a Kin to the Deceased.* Which is without doubt a very great error of *Josephus*. For either the nearest of Kin to the House of *Elimelech*, or of *Abimelech* as he calls him, was legally possessed of the Inheritance, or not; if he was why could he not still enjoy it without the Woman; if he was not, unless upon this condition,

how came he to enjoy it so long without disturbance already, for an illegal possession is in effect no possession at all, unless what we have acquired by injustice we can maintain by force of Arms; it is impossible for *Josephus* or any body for him to answer this.

But besides it is a flat contradiction to the express words of Scripture; *I cannot redeem it of my self, lest I marr my own Inheritance.* But what need he redeem it if he had it in possession already, and if he might enjoy it, as according to *Josephus* he did, without redemption, I do not understand how the acquisition of a new Estate, is any marr, prejudice, or detriment to the old. I conclude therefore that *Josephus* has misinterpreted the matter, and so I pass on to that which is yet behind, on this subject.

And I think it is very clear from what hath been said, that *Thamar* having patiently expected the time stipulated between *Judah* and her self, and having in vain demanded *Shelah* for her Husband, in pursuance of that agreement and bargain, *Shelah* being resolved not to comply, and *Judah* not to compel him to it, it was now morally impossible that this agreement should ever have its effect, which

Moral Impossibility is a sufficient Vindication of *Thamar* from the charge of Adultery. Besides that *Judah* having first violated his promise, she would at the worst have been *more righteous than he*, as he himself confessed.

But yet after all this though *Shelah* continued still averse, and *Judah* in the same mind that he would put no arbitrary Violence upon his inclination, yet it is certain he still continued to persuade him what he could to accept of *Thamar* for his Wife, and that not without some though but slender hopes of prevailing upon him by his importunity, though he could not as yet alter his inclination, otherwise there could be no colour of condemning her for an *Adultress*, which yet it is certain she did, for by *Whoredom* in the Text is not meant *simple Fornication* a very trivial crime in those days, but *Adultery*, or the betraying of a Conjugal and Lawful Bed. As is manifest from this that *Judah* himself was guilty of the former, and as it proved afterwards by the Story, at the *same time*, and with the *same Person*; but it would have been a very unequal thing to punish that fault with death in another, of which he himself was guilty. I conclude, therefore, that he still continued to importune

his Son to accept of her, and that it was upon this account, and no other he laid *Adultery* to her charge, though when he more calmly considered the Circumstances on her side, how much she had been abused by himself, and how good reason she had to despair of ever obtaining *Shelah*, he then withdrew his Action, and acknowledged it, *She hath been more righteous than I.*

Thus have I demonstrated my way by a very faint and dim light, thorough all the dark passages of an ancient and obscure Story, which whoever shall consider so well as I have done, must be forced to acknowledge that I have not failed in any Circumstance of representing the very matter of fact, as it stood in those times with relation to the parties concern'd.

I could now be glad having wash'd off the imputation of *Adultery*, if I could wipe out that of *Incest* too, not so much out of respect to the persons of *Judah* or *Thamar* considered by themselves, as because our *Saviour*'s Genealogy is so deeply concerned in it, and yet *Thamar* is no where mentioned that I know of with any reprehension by any of the Writers either of the Old or New Testament; neither is this all but there are other instances in the same Genealogy,

Genealogy, partly of an equally foul nature with this, and partly of a nature something approaching to it.

Of the latter sort are the Matches of *Abraham* with his *Half-Sister*, and of *Jacob* with his *two Cousin Germans*, both of them *Sister Germans* to one another, but of these I shall give a fair account, when I come to speak of the Marriages of *Cousin Germans*, which will be the subject of another Discourse.

Of the first sort is the incestuous congression of *Lot* with his two Daughters from whence *Moab* and consequently our *Saviour* himself by *Ruth* a *Moabitish* Woman was descended, and the Marriage of *David* with *Bathsheba* the Wife of *Uriah* in which there was an horrid combination of *Adultery* and *Murther* together, and yet from thence *Solomon* who was himself no very virtuous Prince, and from him many very wicked Kings of *Judah* sprung, in all whose Loins the *Messias* was contain'd, so that it may be applied to this sense as well as any other, in respect of his Genealogy as well as for any other reason, what the Prophet *Isaiah* hath said of him *Esai.* 53. 12. *He was numbred with Transgressours.*

But after all it is certain that the very worst of these Congressions, had something

in them which was Typical of that *Messias*, who was to spring from them. I will instance first in that of *Lot*, with his Daughter the Mother of *Moab* from whom the whole people of the *Moabites* borrowed their Original; and why was he called *Moab* I beseech you? was it not *Miab*? because he was descended of *his* and his *Mothers* common *Father*, the Progenitor of him according to the Flesh, who was begotten of his *Father* before all worlds, begotten of him who was the *Father of the World*, the *Father of the Son*, and though not in the same immediate sense, the *Father* of the Blessed *Virgin* his *Mother*.

I will instance likewise in the incestuous Mixture of *Judah* with his Daughter in Law *Thamar*, betwixt whom *Pharez*, another of our *Saviours* Progenitors was begotten, and who was this *Pharez*, is it not from *Pharats* rupit? and does he not in his very name point at the *Messias*, who was in the fulness of time to be descended from his Loyns, by whom the *Mosaick* enclosure was to be laid open, and the *Partition Wall* betwixt *Jew* and *Gentile* to be broken down?

Lastly in the Marriage of *Boaz* with *Ruth*, which though it was not an incestuous, yet it was possibly an unlawful Marriage

riage; First of *Mahlon*, then of *Boaz* in his right to a *strainge Woman*; and yet what more plain, than that the Marriage of *Boaz* a *Jew*, to *Ruth* a *Moabitish* Woman, was Typical of that blessed Union betwixt *Jew* and *Gentile*, and of their being one Sheep-fold under one common Shepherd, to which the dispensation of the *Messias* is so Naturally fitted, which was the design of his comming into the World, and of his Suffering upon the Cross, and which though not yet compleated, yet the Completion of it, is by all good Christians expected with a no less firm and confident assurance, than that with which they embrace any other part of the Christian Belief.

He was to unite *God* and *Man*, and therefore had the *Humanity* twisted into one common person with his *God-head*, he was to unite *men* to *one another*, and therefore his Human Part was in a manner equally divided betwixt *Jew* and *Gentile*; he was by *nature all things to all men, that he might gain the more*. And being so nearly allied by the bands of Nature, both to the *Jewish* and to the *Heathen* World, it can be the less suspected that he had any design, but what did equally concern the happiness of them both.

And

And now I am the less displeased with this conceit in that since I find *Grotius*, a man of unquestionable judgment, as well as Learning, to concur with me in the same opinion. His words are these upon *Ruth* 1. 4. *Merito autem* Rahabam & Rutham *in Genealogiâ Messiæ ponit* Matthæus *tanquam præludia vocationis gentium, quæ per Messiam facienda erat.*

But when all is done, it neither is nor ought to be looked upon as any such disparagement, that in our *Saviours* Genealogy there are incestuous Mixtures to be found. For as *Seneca* saith wisely, with relation to those who vaunt themselves too much upon the Antiquity and Splendour of that Family of which they are descended. *Omnibus nobis totidem ante nos sunt, nullius non origo ultra memoriam jacet. Plato ait. Neminem regem non ex Servis esse oriundum, neminem non servum ex regibus, omnia ista longa varietas miscuit, & sursum deorsum fortuna versavit.* And again, *Si ad vetera revocas nemo non inde est ante quod nihil est. A primo mundi ortu, usq; in hoc tempus, perduxit nos ex splendido sordidisq; alternata series. Ep.* 44. I say, what he says of the Antiquity of Families, that we may say with as much appearance of reason of the Legitimacy of them too, and perhaps it

it would be found at the bottom of the greatest names, if any records took notice of such obscure matters, not only that there was,

Aut pastor — aut illud quod dicere nolo.

But that even Bastardy and Incest would appear, and the best of us all would be found to owe our Being to those Crimes, which are branded with the most ignominious names, and which as we censure the most heavily in others, so in our selves we cannot think of them without a sense of Abhorrency and Shame; And yet for all that I hope every gallant man is and ought to be measured by himself, a mans own Vertues or Vices are the only things in which he is properly concerned; it is rather a Disparagement than Commendation to a bad man, that he is descended of a Vertuous and truly Honourable Stock, because he adds degeneracy to folly; and it is on the contrary an additional commendation to the Vertuous Offspring of wicked and disorderly Parents, that he will not suffer the diseases of his Family to be hereditary, but gives a nobler example to Posterity, than he received of them which went before him. And at the worst Incest is not an Offence against the Primary, but only against the Secondary Laws of Nature,

Nature, that is, it is not properly a sin in a man considered by himself, which is the case of all bodily Intemperance, and of all exorbitant Passion in the Mind, but it is a relative or consequential offence as he is a member of a Society, and as those Matches which are called incestuous, are prejudicial to the interest and well being of that Society in which he has Enrolled and Listed himself, of which I shall speak more largely in that other discourse to which this is preparatory and introductive.

Having thus given an account of the great Antiquity of this Custom of the Brothers Marrying the Childless Brothers Wife, and in what case it was usually dispensed withal in the earliest times, I will now give an account of the reasons of it likewise, which is more than any man hath done before me. The reason then is this, that the *Patres familiarum* or Masters of Families, in the beginnings of things, had, as hath been shewn, a Despotical and Arbitrary power over their Children and Servants, every Family being a *little Monarchy* by its self, in which there lay no appeal from the Master of the house, but his will was the last and only measure by which all things were to be administr'd

and

and govern'd; and this appears not only from what hath been said already, in the case of *Judah* condemning *Thamar*, and compelling *Onan* to an ungrateful Office, but much more evidently from the story of the Battle of four Kings against five, *Gen.* 14. all which Kings were little better, if indeed any thing more, than * Masters of great Families, or of a very few families joyned together under one common head, however it is certain that *Abraham* who was as absolute a Prince as the best of them, and as it appears by the story much more potent, was certainly no more than the Master of a single Family, and yet was more than an equal match for the four Kings, and is called a Confederate of the five, *v.* 13. and *v.* 14. is said to have *armed his trained Servants born in his own house* (the Seventy render it τὸς ἰδίους οἰκογενεῖς αὐτοῦ) *Three Hundred and Eighteen*, than which there cannot be a plainer instance of the absoluteness of the Ancient Masters of Families, and of their independency upon any other; he was *Superiour* in *Power*, and he is called a *Confederate*, which implies an *equality* of *Dignity* also, to those that are stiled *Kings*; and his *Three Hundred and Eighteen servants born in his house* do plainly shew the Antiquity of that absolute power

* Not much more considerable than these were the Thirty One Kings conquered by *Joshua* on the West side of *Jordan*, whose names are set down *Josh.* 12.

power which the *Roman Laws* have given to Masters over their Servants, by which not only their persons, but their substance was at the disposal of the *Pater familias*, or Master of the House, which extended as far as to the persons of their Wives and Children as many as were born to them before the time of their freedom.

Josephus will not acknowledg them to have been bond-maids. *But this is said by* Josephus *without any ground only for the credit of those four Tribes, which were descended from them, whereas indeed they were not looked upon in the esteem of Law, to be the Children of the Servants but of their Mistrisses, whose part they did in this case sustain*, his words are these, *Antiq.* L. 1. ἦσαν δὲ ἐκατέραις θεραπαινίδες, τοῦ πατρὸς δόντος. ξίλφαν μὲν λοίας, Ραχηλὸς δὲ Βάλαν, δοῦλαι μὲν οὐδαμῶς, ὑποτεταγμέναι δὲ αὐτῇ. *If* Josephus *had consulted the Hebrew text and understood it, which I am very much afraid he did not, that would have told him, after a careful survey of all those texts where those words do occur that* Shiphcah *and* Ammah *are never used but for a bond-servant, and accordingly they are translated by the Seventy* παιδίσκη, δούλη, θεραπαινὶς, οἰκέτις. *If one place can be produced where these words have not this signification, I will yield the cause. Exod.* 2. 5. *they Translate* Ammah *by* Ἄβρα *which is the place* Grotius *instanceth in as an instance where* Ammah *is taken for a free Woman, but what is* Ἄβρα? Hesychius Ἄβρα, δούλη, παλλακὴ, *again* Ἄβραι, Νέαι, (*I had rather read it* νεανίσκαι) δοῦλαι, Gloss. Vet. Ἄβρα ancilla, *and again* Ancilla, Ἄβρα ἐργόμωκος, *The Vulgar Latin in this very place of Exodus*, misit unam è famulabus

Of the Antiquity of which power, we have another instance in the story of *Laban* who giving first *Leah* to *Jacob* to Wife, gave *Zilphah* along with her for an handmaid, and afterwards bestowing *Rachel*, gave *Bilhah* likewise to be in the same quality to her. Neither is there any doubt but *Hagar* was for the same reason bestow'd upon *Sarah*, upon her Marriage with *Abraham*.

à famulabus suis, *and Gen.* 24. 6. ἀναστᾶσα δὲ Ῥεβέκκα (Veneharotheath) καὶ αἱ Ἄβραι αὐτῆς. *Is no question meant of* δοῦλαι, οἰμετέδες δ' μῳάι, *Antillæ, Vernæ Famulæ,* And now let any man judge whether *Grotius* or I have the better.

The Servant maid given together with her Mistriss, was in the Nature of a dowry, and was as much in the disposal of the Supreme Lord the Master of the House, whether to give away or sell, or what he pleased, as any other dead or immoveable substance whatsoever.

Neither was this all but the Husband was an absolute Lord over his Wife, and the Wife was in the Nature of a Servant to the Husband. This is the reason why *Sarah* stiles her Husband by the name of Lord. And that not out of flattery or complaisance but privately to her self, imagining that no Body heard her, which shews it to have been the Language of those times, *Gen.* 18. 12. *After I am waxed old shall I have pleasure, my Lord being old also?* Which subjection of the Wife to her Husband, as her *absolute Soveraign* and *Lord*, was as Ancient as the fall of *Adam*, and was a consequent of it, being part of the curse denounced against *Eve*, as a punishment for Eating the *Forbidden fruit* and tempting her Husband to do the same, enforcing so pernicious an example with arguments no less fatal to all the Posterity descended from her Loyns, *Gen.* 3. 16. *Unto the Woman he said, I*

will

will greatly multiply thy sorrow, and thy conception. In sorrow thou shalt bring forth Children, and thy desire shall be to thy Husband, and he shall rule over thee.

But if they had such power and Authority over their Wives, it is much more to be supposed that they were likewise invested with the same absolute, and uncontroulable dominion over their Children, so as to punish them, if the fact should to them seem to require it with Death its self, as has already been made probable, by the Ancient *Roman* story, which seems to have taken its Patern from elder times, and from the example of *Thamar*, who was by *Judah* being his Sons Wife considered as his Daughter; all which is yet farther confirmed by the express testimony of the Law its self, by which a rebellious and disobedient Son, was upon the complaint of the Parents, if there remained no hopes of amendment, without farther process to be stoned to Death, *Deut.* 21. 18, 19, 20, 21. which was no doubt a remainder of that absolute right and power, which Parents had over their Children before the Law, and which was so far from being perfectly taken away by it, that they seem rather to have been under an obligation to accuse them, in cases of obstinate and refractory

fractory disobedience, as the City or Congregation among whom the fact was committed, were under another to Stone them till they died, *v.* 20, 21. *They shall say unto the Elders of his City, this our Son is stubborn and rebellious, he will not obey our voice, he is a Glutton and a Drunkard, and all the men of his City shall stone him with Stones, that he die, so shalt thou put away evil from amongst you, and all* Israel *shall hear, and fear.*

Much more then, might they disinherit them, and give the Birth-right from the Eldest to another, and so downwards as low as they pleased, either for a small crime or for none at all, if it should so seem good, which it is certain they actually did: for to *Jacob* were born by his Wife *Leah* four Sons one after another, without any other between them, *Reuben*, *Simeon*, *Levi*, *Judah*, *Gen.* 29. 32, 33, 34, 35. *Reuben* was the First-born, to whom the *natural right* of Inheritance belonged, but he for committing Incest with his Fathers Concubine *Bilhah*, *Gen.* 35. 22. was disinherited, and for that fact instead of a blessing received a curse from his Father, *Gen.* 49. 4. *Unstable as Water thou shalt not excel; because thou wentest up to thy Fathers Bed, then defiledst thou it. He went up to my*

Couch. *Simeon* and *Levi* were likewise Disinherited for their Treacherous dealing with the *Sechemites*, *Gen*. 34. which how heavily it was resented by *Jacob*, is plain from *v*. 30. of that Chapter. *And* Jacob *said to* Simeon *and* Levi, *ye have troubled me to make me stink among the* Canaanites *and the* Perizzites. *And I being few in number, they shall gather themselves together against me and slay me, and I shall be destroyed, I and my house*; which was the reason of that dreadful Curse, he denounces afterwards against them, *Gen*. 49. 5, 6, 7. Simeon *and* Levi *are Brethren, instruments of cruelty are in their Habitations, O my Soul come not thou into their secret; unto their assembly mine honour be not thou united, for in their anger they slew a Man, and in their self-will they digged down a Wall; cursed be their anger, for it was fierce, and their wrath, for it was cruel. I will divide them in* Jacob *and scatter them in* Israel. Neither were these three only passed by, but *Judah* also, against whom no exception appears, *1. Chron*. 5. 1, 2. *Now the Sons of* Reuben *the First-born of* Israel (*for he was the First-born, but for as much as he defiled his Fathers Bed, his Birth-right was given to the Sons of* Joseph *the Son of* Israel, *and the Genealogy is not to be reckoned after the Birth-*

right.

right. For Judah *prevailed above his Brethren, and of him came the chief rulers, but the Birth-right was* Josephs.) *v.* 3. *the Sons I say,* &c. Now this if it were an Arbitrary thing, as there is no reason assigned of *Judahs* being passed by, then it appears plainly that the bare will of the Father, with whom there was no dispute, and from whom there lay no appeal, was sufficient to justifie the disinherison of the Eldest Son, for that *Judah* was, after *Reuben*, *Simeon* and *Levi*, were discarded, and it is by vertue of this paternal right that *David* placed *Solomon* in the Throne, notwithstanding *Adonijah* was elder than he.

But it is most likely that *Jacob* had conceived some displeasure against *Judah* also, as being concerned in the common hatred of all the Brothers to their Brother *Joseph*, *Gen.* 37. 4, 5. and was the adviser of his selling into *Egypt*, *v.* 27. which being a temperament both of mercy and cruelty together, for the others would have dispatched him outright. It was from hence perhaps, that the *Jews* have concluded that *Jacob* did not dispossess him of his whole Birth-right, but gave only to *Joseph* a double portion of the Inheritance, leaving all other things in their natural and usual

ſtate, for to the Elder Brother the *Maſters* tell us there belonged three things. Firſt he was the *King* of the Family to reign in his Fathers ſtead after his deceaſe. Secondly he was the *Prieſt* of it, and Thirdly he was to enjoy a *double ſhare* of the Inheritance, which double ſhare they affirm to have been given to *Joſeph*, and that his Birthright which is ſaid to have been given him conſiſted only in that.

And truly to give them their due, ſomething of this Nature is very reaſonable to believe, for its manifeſt not only from the place of the *Chronicles* above cited that *Judah prevailed over his Brethren*, but he did this as the Rightful Heir, by vertue of his Fathers bleſſing, *Gen.* 49. 8, 9, 10. Judah *thou art he whom thy Brethren ſhall praiſe; thy Hand ſhall be in the Neck of thine Enemies, thy Fathers Children ſhall bow down before thee.* Judah *is a Lyons Whelp, from the prey, my Son, thou art gone up: he ſtooped down, he couched as a Lyon, and as an Old Lyon, who ſhall rouſe him up? The Scepter ſhall not depart from* Judah, *nor a Lawgiver from between his Feet, until* Shiloh *come, and unto him ſhall the gathering of the People be.*

It is clear therefore that the *Kingdom* or Soveraignty over his Brethren, was beſtowed upon

upon *Judah*, and as for the *Prieſt-hood*, it was after appropriated upon another occaſion to the Sons of *Levi*, not by the deſignment of *Jacob*, but of God himſelf. It is likely therefore that as *Judah* tempered mercy with his hatred, and was in the midſt of his Envy an Inſtrument of ſaving his Brother *Joſephs* Life, ſo *Jacob* mixed the *Kindneſs* of a *Father* with the *Severity* of a *Judge*, and depriving him only of a part of what belonged to him as his Birth-right, as a puniſhment for his offence, left him the reſt entire, as being due to him as the Eldeſt, and as the reward of his mercy.

But yet after all this, he paſſed by not only *Dan* and *Naphtali*, the Sons of *Rachel* by her Handmaid *Bilhah*, as alſo *Gad* and *Aſher* the Sons of *Leah*, by her handmaid *Zilphah* but likewiſe *Iſſachar* and *Zebulon* the Sons of *Leah* her ſelf, all of them Elder than *Joſeph*, and all diſpoſſeſſed of the Birth-right without any reaſon at all but only the Arbitrary power with which their Father was inveſted, unleſs it were perhaps upon ſome *Prophetick* reaſons, which neither are or can be at this time known to us, as it was in the caſe of *Ephraim* and *Manaſſeh*, *Gen.* 48. 17, 18, 19. *And when* Joſeph *ſaw his Father lay his right hand upon the head*

of Ephraim, *it displeased him: and he held up his Fathers hand to remove it from* Ephraims *head unto* Manasſehs *head. And* Joſeph *ſaid to his Father, not ſo my Father, for this is the Firſt-born, put thy right hand upon his head. And his Father refuſed and ſaid I know it my Son; he alſo ſhall become a people, and he alſo ſhall be great: but truly his Younger Brother ſhall be greater than he and his Seed ſhall become a multitude of Nations.*

But if no violence were done to the natural ſucceſſion, then the Elder Brother did in right of *Primogeniture* ſucceed; he was in his Fathers life time looked upon as Heir apparent to the domeſtick Crown, and in his Fathers abſence he was the Supream Lord, and his Brethren were as much his Servants as he was his Fathers; and how great Homage and obeyſance the Younger Brothers of thoſe times were uſed to pay the Elder, will appear from the 33*d* of *Gen.* where *Jacob* meeting his Brother *Eſau*, and being fearful he would now take that opportunity to revenge himſelf for the wrong he had received, pays him all the Submiſſion and Duty which belonged to the Elder Brother, as well in his own perſon, as in thoſe of his Wives, Children and Servants, from *verſe* the 12 to

Grot. ad Gen. 4. 7. *primogeniti per Patris aut mortem aut abſentiam, paternam quandam authoritatem in fratres habebant.*

to the 16 in these words, they are so remarkable, I will Transcribe them all. *And* Jacob *lift up his Eyes and looked and behold* Esau *came, and with him four hundred men; and he divided the Children unto* Leah *and unto* Rachel *and unto the two handmaids, and he put the handmaids and their Children foremost, and* Leah *and her Children after, and* Rachel *and* Joseph *hindmost; and he passed over before them and he bowed himself to the ground seven times, till he came near unto his Brother. And* Esau *ran to meet him and they wept, and he lift up his Eyes and saw the Women and the Children, and said, who are these with thee? And he said the Children which God hath graciously given thy servant. Then the handmaids came near, they and their Children, and they bowed themselves, and* Leah *also with her Children came near and bowed themselves, and after came* Joseph *near and* Rachel, *and they bowed themselves. And he said what meanest thou by all this drove which I met, and he said these are to find grace in the sight of my Lord, and* Esau *said, I have enough my Brother, keep that thou hast unto thy self, And* Jacob *said, nay, I pray thee, if I have found grace in thy sight, then receive my Present at my Hand, for therefore have I seen thy face, as though I had seen the face*

of God, and thou wast pleased with me; take I pray thee my blessing that is brought to thee, because God hath dealt graciously with me, and because I have enough, and he urged him and he took it. And he said let us take our journey and let us go and I will go before thee, and he said unto him my Lord knoweth that the Children are tender, and the Flocks and Herds with young are with me, and if men should out-drive them one day, all the Flock will die, let my Lord I pray thee pass over before his Servant, and I will lead on softly according as the Cattel which goeth before me, and the Children be able to endure, until I come unto my Lord in Seir. *And* Esau *said, let me now leave with thee some of the Folk that are with me, and he said what needeth it? let me find grace in the sight of my Lord.*

But if thus much submission were paid on account of *Primogeniture* to a Fellow-*Twin*, born but just immediately before him, an Inhabitant of the same Womb at the same time with himself, then it is still the stronger evidence of that vast respect which was used, by the Custom of those days, to be paid to the *same Primogeniture* in others, whose birth was at a greater distance from the Younger Brothers, because in them the reason of this preferment of the First-born before the

Younger

Younger Children, was much more ſtrong than it can be in Twins, who are born in a manner together. Which reaſon is aſſigned by *Jacob* ſpeaking of his Eldeſt Son *Reuben*. Gen. 49. 3. Reuben *thou art my First-Born and the* *beginning of my Strength, the excellency of Dignity, and the excellency of Power*; he was therefore *the excellency of Dignity, and the excellency of Power*, that is, he was to have excerciſed a Soveraign Rule and Dominion over his younger Brethren (had he not forfeited this Right of his by uncovering the Nakedneſs of his Father, in the enjoyment of his Concubine *Bilhah*) becauſe he was the *beginning of his Strength*, the Son of his Youth, the firſt, and the moſt lively repreſentation of his Father to the World.

*Deut. 21. 15, 16, 17. *If a man have two Wives, one beloved & another hated — and if the firſt-born Son be hers that was hated — he may not make the Son of the beloved first-born — but he ſhall acknowledge the Son of the hated for the firſt-born — for he is the beginning of Strength, the Right of the firſt-born is his.*

This Dominion of the Elder over the Younger, is as ancient as the two firſt Brethren that ever came into the World, and was expreſly warranted by God himſelf. *Gen.* 4. 7. *Unto thee ſhall be his deſire, and thou ſhalt rule over him.*

Now one great inſtance of that Subjection and Duty, which was paid by the Younger to the Elder in thoſe times was this, that in caſe the latter died without Iſſue, his Widow might challenge the former, as her own and late Husband's Servant, to perform the part and office of an Husband

Husband in his ſtead. And that it was indeed nothing elſe but an acknowledgment of Servitude and Subjection, will appear not only from the reluctancy of *Onan*, of which I have already ſpoken, but from the Stories of *Sarah*, *Leah*, and *Rachel*, all of them Inſtances of the ſame nature, who finding themſelves barren, appointed their reſpective Handmaids *Hagar*, *Zilpah*, and *Bilhah*, to conceive by their Husbands in their ſtead, all which Children ſo begotten, were accounted in the eſteem of thoſe times Legitimate, and looked upon as inheriting not in right of the Handmaids, who were their real and proper, but of their *Miſtreſſes* the *adoptive* and *reputed* Mothers, whoſe Children in the interpretation of Law they were accounted. *Gen.* 16. 2. *Behold now, the Lord hath reſtrained me from bearing: I pray thee go in unto my Maid, it may be that I may obtain Children by her*, Gen. 30. 3. *Behold my Maid* Bilhah, *go in unto her, and ſhe ſhall bear upon my knees, that I may have children by her.*

Nay, ſo great a propriety did they conceive themſelves to have in the Children of their Handmaids, that if they had been never ſo truly and properly their own they could not expreſs a greater joy and ſatisfaction at it, and

and it was they, not their real Mothers, who gave them their names. *Gen.* 30. 6. Rachel *said, God hath judged me, and hath heard also my Voice, and hath given me a Son, therefore called she his name* Dan. So also *v.* 8. Rachel *said with great wrestlings have I wrestled with my Sister, and I have prevailed: and she called his name* Naphtali. Though both of these were truly and properly not hers, but the Children of her Handmaid *Bilhah*.

Neither was *Leah* less fond of her Adoptive Children by her Handmaid *Zilpah* v. 11. *And* Leah *said a Troop cometh* (70 ἐν τύχῃ, in a fortunate time) *and she called his name* Gad. *v.* 13. *And* Leah *said, happy am I, for the Daughters will call me blessed, and she called his name* Asher.

This is the meaning of that expression; *She shall bear upon my Knees*, *Gen.* 30. 13. with allusion to, as I conceive, and in imitation of the *Stools* mentioned in *Exod.* 1, 16. *When you do the office of a Midwife to the* Hebrew *Women, and see them upon the Stools, if it be a Son, then you shall kill him: but if it be a Daughter then she shall live.* In the *Hebrew* it is *hal haabnaim* (70. ὅταν μαιοῦσθε τὰς ἑβραίας καὶ ὦσι πρὸς τῷ τίκτειν) the sense is the same in both, but not so accurate in the version of the Seventy, for

πρὸς

πρὸς τὸ τίκτειν, is *about to bring forth*, but they could not yet make a judgment, whether it was a Boy or Girl, nor consequently whether they should kill the Infant or save it alive in pursuance of the instructions given them by the *Ægyptian* King. It would therefore be better to keep exactly to the Sense, ἐν τῷ μετὰ τὸ τίκτειν. *And it shall be when they have brought forth.* But though this be right as to the sense, yet it is not *Verbum verbo*; which, though a fault in some translations, is a Virtue in this. For *Haabnaim* is certainly a *Noun*, the *He emphaticum* in the beginning and the *Jod Mem* which are the *formative Letters* of the *Plural Number*, or by adding a *Kametz* to them, if the present punctation be true, of the *Dual*, are plain demonstrations of this, that it is a Noun and cannot possibly be a Verb. It must therefore of necessity be that when it is said, when the women shall be upon the *haabnaim*, that by that word, some Instrument or Utensil, made use of in the Midwifery of those times must be understood, and indeed it is not likely to have been any thing else but a *Stool* of parturition, where the Woman in Labour was placed by the Midwife, which answers most naturally to the signification of the Preposition *hal* (*upon*) which is added to a word of the

the *Dual* Number, to shew that it was a *folding Stool*, such as are usually in the Isles of Churches, both for the more easie setting, and for the more easie placing and removing. But we might judge with more certainty of the goodness of this punctation if the *Hexapla* or *Octapla* of *Origen*, which are unhappily lost, could be retreived. The Seventy by translating it by [illegible] are thus far useful to us that they have pointed out the Etymology of that Word, which is not from *Eben*, *Lapis*, but from *Banah ædificavit*, with the addition of an *Aleph*, as in *Aben* for *Ben*. In *Aben Ezra*, *Aben Melech*, *Aben Tibbon*; and from thence also though that be not so commonly known, the Two Famous *Arabian* Physicians and Philosophers, *Averroes* and *Avicenna* have their names.

The same word occurs likewise *Jer.* 18. 3. and with the same Præposition, *hal haabnaim*. But there the Seventy have render'd it [illegible], from *Eben Lapis*, though in truth *Eben* it self is from *Banah* too, because of the use of such Materials in building. And so is *Boun*, *intellexit*, because of the progression of all Human Sciences, from one Proposition to another, in the nature of a Foundation, with sundry Superstructures upon it, and so *Abnaim* in the

place

place of *Exodus*, is from *Ben, Filius*, or which is all one, from *Banah ædificavit*, because Generation or Posterity is a kind of Super-structure upon former Ages, and because of the use of the word *Banah* in matters of this kind. As *Gen.* 16. 2. *That I may obtain Children by her.* In the *Hebrew* it is, *Oolai Ibaneh Mimennah. Perhaps I shall be built up by her.* And so also *Gen.* 30. 3. and *Ruth* the 4*th.* 11*th.* which is to this day a part of the *Jewish* Litany in all their Marriages. *The Lord make the Woman that is come into thy house, like* Rachel *and like* Leah, *which two did build the House of* Israel.

Where you see likewise that there is no mention made at all of the two Hand-maids *Bilhah* and *Zilpah*. Notwithstanding they were the natural and proper mothers, of *Dan*, *Naphtali*, *Gad* and *Asher*, but the whole business of building up the House of *Israel* is ascribed perfectly to *Rachel* and *Leah*, the reason is because the others did but supply their places and conceive in their stead, and because in such cases they were used to bring forth upon the *Knees* of their Mistresses, which did in this case supply the Office of those *Maieutical Stools* mentioned *Exod.* 1. 16, so as the real Mother sitting upon the Lap of the Adoptive, they were

were like two Persons united into one, and whatsoever the one did or suffered at that time, became by this means to be ascribed to the other.

Now nothing is more certain than that the reason of this last Custom was founded in the servitude and entire subjection of the Handmaid to her Mistress. And it is already proved that the respect or relation which a younger Brother by the custom and usage of those times bore to the Elder was the same, it is clear therefore the actions being in both Instances of the same Nature, and the Persons of the same quality, that what was done on both sides, was for the same reason, which was the thing to be proved.

Having thus discovered the Antiquity of this usage, and the reason of it, and given an Instance of a Case in which it seems always to have been dispensed with. I will now take Mr. *Selden* and the *Rabbins* whom he follows, to task, not so much out of a vainglorious humour, to triumph over the mistakes or misapprehensions of so Learned and so deservedly Famous a Person, as out of love to Truth, which we should all prefer above the greatest names, and indeed let a mans Wit, or Judgment,

or

or Industry, be what it will, if he be but guilty of that one mistake of giving himself up to the Conduct of the *Rabbins*, that it self will involve him in a Thousand more, for when all is done, when all their Advocates have said their best for them, they are but good Guessers no more than we, when they appear at the greatest advantage; but for the most part they do but father their own mistakes and blunders upon Antiquity, and discover almost an equal degree of Impudence and Ignorance together.

The first mistake which I shall take notice of in this affair is this: It is said *Deut.* 25. 6. *And it shall be that the first-born which she beareth, shall succeed in the name of his Brother which is dead, that his name be not put out of* Israel. Where Mr. *Selden* moved only by the Authority of the *Rabbins* will needs have it, that by the *first-born*, not he that is *first begotten and brought forth* in this *Leviratical* Wedlock, but the *Levir* himself, or the *next* Brother to the deceased is to be understood, and that by those words, *which she beareth*, not the *Wife* but the *Mother* of the deceased is meant, which is so wretched a Violence done to the most natural and easie sense of the words, which is this, that the first-born in this *Vicarious* Wedlock shall succeed in the

name

name, that is, the Inheritance of the deceased, that I wonder very much how he could ever perſuade himſelf to think this Opinion had ſo much as a bare poſſibility of truth, unleſs he thought the true and proper conſtruction of the Sentence as it lies now in the Bible, was of leſs Authority than this diſtorted expoſition of the *Rabbins*.

Beſides, the ſecond Brother, though he be the Eldeſt Survivor upon the death of the firſt, yet he can never be the *Firſt-born*, it will be ever true, whether his Elder Brother be alive or dead, that there was one born before him, and it will not only be improper, but always falſe to call him the Firſt-born, unleſs it be in an *Elliptical* way, meaning the Firſt-born of thoſe that are alive; but what an obſcure unintelligible way of expreſſion is this? Or how would it be poſſible for men to underſtand one another, if they ſhould always talk at this rate? If this way of interpretation be once admitted, the *Jeſuits* may go to School to the *Rabbins* to learn how to æquivocate, and may defend the Doctrine of *mental Reſervation*; as being the very Stile and Language of the Scriptures.

Again, *And it ſhall be the Firſt-born which ſhe beareth.* How can that be underſtood

of the *Mother* of the deceased, of whom there is no mention before? Or is not this to make a *Relative* without an *Antecedent*, which if it be once admitted, it will introduce an Universal Confusion into all manner of Speech, so that no man will be able to understand another. Οἱ ὁ τὸ παιδίον ὃ ἐὰν τέκῃ καταστα θήσεται ἐκ τοῦ ὀνόματος τοῦ τετελευτηκότος. Here if the Question be asked, τὶ ἄρα καταστα θήσεται, &c. the answer will be τὸ παιδίον. And if so, then it is manifest that τὸ παιδίον must be understood of the *Son* of the *Levir*, not of *himself*, and by consequence the τέκῃ must be explained of the *Wife* of the deceased. And with the 70 *Onkelos* agrees; & *erit primogenitus quem genuerit*, which words cannot possibly be understood of the Husband himself, but of his Eldest Son.

This is the first mistake. The second is this:

He plainly favours that conceit of *Josephus* and some later *Jews*, who interpret that place. *And it shall be that the First-born which she beareth, shall succeed in the name of the Brother which is dead, that his name be not put out of Israel.* As if the adoptive Child, were to be of the same name with his *Imputative*, that is to say the *deceased Brother* of his *real* Father. So as if his name

name were *Joſe*, the Childs muſt alſo be *Joſe*, and if *John* the Child's was to have been called *John*. But what if it proved a Girle? What then? Muſt it ſtill be *Joſe* or *John*? What can be more ridiculous than this? Beſides, why ſhould the *Adoptive* Offſpring bear the ſame name, when yet it was ſcarce ever known that the *Real* one ever did? Examine the whole Bible and you will ſcarce find one Inſtance where Father and Son were of the ſame name; And if his name muſt periſh out of *Iſrael* without a Son to inherit it, then for ought I can perceive it would at this rate be more eligible to have an *Adoptive* than a *Real* Son, becauſe the one by Cuſtom did continue their names to Poſterity which the other did not. The Adoptive Son was intended to ſupply the place and to be in ſtead of a real one, and ſince the real one did very rarely, if ever go by the ſame name with his Father, what can be more unreaſonable than to believe the adoptive ſhould be obliged to do it. Neither is this only contrary to reaſon but to experience too, for the eldeſt Son of *Ruth* by *Boaz* in the ſtead of *Mahlon*, was not called *Mahlon* but *Obed*, as hath been obſerved already.

But here it is pretended that the Marriage of *Boaz* and *Ruth*, is a perfectly diffe-

rent thing, from that of the Brother to the Brother's Wife, and depends upon another Conſtitution of the *Moſaick* Law, of the truth of which Mr. *Selden* was ſo throughly perſuaded, that he has employed an whole Chapter in defence of it; with what ſucceſs we are now going to ſee.

De ſucceſſ. in bon. defunct. c. 15.

The Law upon which the Marriage of *Boaz* and *Ruth* depended is affirmed to be *Levit.* 25. 25, &c. in theſe words. *If thy Brother be waxen poor, and hath ſold away ſome of his poſſeſſion, and if any of his Kin come to redeem it, then ſhall he redeem that which his Brother ſold, and if the man have none to redeem it, then let him count the years of the ſale thereof, and reſtore the overplus unto the man unto whom he ſold it; that he may return unto his poſſeſſion, but if he be not able to reſtore it to him, then ſhall that which he ſold remain in the hand of him that bought it, until the year of* Jubilee: *And in the* Jubilee *it ſhall go out, and he ſhall return unto his poſſeſſion.* This was the Law of Redemptions among the *Jews*, in caſe of a Morgage upon their own, their Brethren or their Kinſman's Land; and the reaſon why this is applied to the Caſe of *Ruth* and *Boaz*, is becauſe of the frequent occurring of the word *redeeming* in that Story. *v.* 4. of that Chapter. *If thou will redeem*

redeem it, redeem it; but if thou wilt not redeem it, then tell me, that I may know: For there is none to redeem it beſides thee, and I am after thee. And he ſaid I will redeem it.

Having thus recited the words as they lie in the place of *Leviticus* above cited, which words are pretended to be the only ground of the Marriage betwixt *Ruth* and *Boaz*. I will now impartially ſtate the caſe, and ſhew plainly how far this Law was concerned in this Marriage and how far it was not.

Ruth 1. *v.* 1, 2. we have theſe words; *Now it came to paſs in the days when the Judges ruled, that there was a famine in the Land, and a certain man of* Bethlehem Judah, *went to ſojourn in the Countrey of* Moab, *he and his Wife and his two Sons, and the name of the Man was* Elimelech, *and the name of his Wife* Naomi, *and the name of the two Sons* Mahlon *and* Chilion, Ephrathites *of* Bethlehem Judah: *And they came into the Countrey of* Moab *and continued there.*

An expenſive continuance it was to be ſure, when they were forced to live wholly upon the Perſonal Eſtate, what Mony they had or could get together, while the real one lay waſt and would not yield any

thing at all. Besides that, there being so heavy a Famine in the Land of *Canaan* it is not to be supposed, but that the same causes which had wrought this scarcity in *Judæa* did more or less prevail in *Moab* also, as being a bordering Countrey, as when the Seven years Famine was in *Ægypt*, it raged no less in the neighbouring Countreys at the same time; Provisions must therefore be very dear, and they as being Strangers, were probably more hardly used than the Natives, and besides were continually subject to the Violence and Injustice of a Nation who had sufficient reason to be no friends to the *Jews*.

How long this famine lasted we cannot tell, but the *Ægyptian* famine is an example that such Judgments in those Countreys, were sometimes of a very long continuance, and if you suppose it to have fallen upon the year before the *Sabbatical* as it might well enough do, when the whole Land of *Israel* was at rest from all manner of Husbandry and Tillage, it must be of three years continuance at least, that is to say, that year on which it began, the *Sabbatical* year wherein the Land rested from Tillage, and the year following till the time of Harvest, for it is impossible both to sow and reap together.

Well,

Well, in process of time *Elimelech* he dyes, and at his death divides his estate into three parts, one part of it he gives to *Naomi*, not wholly, for that it does not seem to have been in his power to do, by the Law of Inheritances, *Numb.* 27. but only till the *year of Jubilee*, or perhaps by way of *Jointure* during her life; the rest he divided, after what manner is not said, neither can we tell which was the eldest (for one is named first, *Ruth* 1. 5. the other, *Ruth* 4th, and the 9th.) between *Mahlon* and *Chilion*, his two sons, who, the famine being not yet ended, the better to secure what they had, or perhaps to acquire more for their support married each of them to a *Moabitish* Woman, *Ruth* 1. 4. but did not cohabit long with them, before they dyed also as their Father *Elimelech* had done before them. By which means it came to pass, that the whole estate, which seems to have been passed over and consigned to *Naomi*, in case the two Brothers dyed without Issue, was now actually in her possession, and this is the meaning of that appeal of *Boaz* to the Elders. *Ruth* 4. 9. *And* Boaz *said unto the Elders and to all the People, ye are Witnesses this day, that I have bought all that was* Elimelech's, i. e. *Naomi*'s proper share, *and all that was* Chilion's

and Mahlon's *of the hand of* Naomi. From whence it will be easie to discern how far the Law in *Leviticus* concerning the redemption of the poor Brother's Inheritance was concerned. *Elimelech*'s estate upon the decease of himself and his two Sons was now wholly in the Possession of *Naomi*, either till the year of *Jubilee*, or for the term of her natural life, for the reasons already mentioned; this the next of Kin, to whom the Inheritance after the expiration of this term would of it self devolve, might redeem at his pleasure to re-unite it to the Inheritance of his Family, and that either by allowing so much as a valuable consideration for the Interest of her life in it, or by setting an equal value upon her Right in the time to come from the date of the purchase to the year of *Jubilee*, be it more or less, according to the manner preseribed in that Chapter of *Leviticus*; if he would not redeem it then the next of Kin might do the same, yet so as he was only to enjoy it till the said year of *Jubilee*, and then it must of course fall to the share of the first refuser, as being nearest of Kin, according to the *Mosaick* Platform of Successions.

This was *Boaz* his case, who could not redeem the Inheritance of *Elimeleth*, till he

he that was neareſt of Kin had firſt refuſed, *Ruth*. 3. 12, 13. *Now it is true that I am thy near Kinſman, howbeit there is a Kinſman nearer than I, tarry this night and it ſhall be in the Morning, that if he will perform unto thee the part of a Kinſman, well, let him do the Kinſmans part, but if he will not do the part of a Kinſman to thee, then I will do the part of a Kinſman to thee, as the Lord liveth.* Again *Chap*. 4. *v*. 3, 4. *And he ſaid unto the Kinſman* Naomi *that is come again out of the Countrey of* Moab, *ſelleth a parcel of Land, which was our Brother* Elimelech's, *and I thought to advertiſe thee, ſaying, buy it before the Inhabitants, and before the Elders of my People, if thou wilt redeem it, redeem it, but if thou wilt not redeem it, then tell me that I may know: For there is none to redeem it beſides thee* (that is, you are by Law to have the firſt refuſal) *and I am after thee*, as much as to ſay, and the next refuſal is mine.

But now whereas I ſaid that the Eſtate of *Elimelech* was bequeathed to *Naomi* till the year of *Jubilee*, or during her Life, the latter of theſe ſeems to me the more probable of the two, in that it is but reaſonable, the Widow ſhould be always conſidered out of the fortune of the deceaſed, for

for the tearm of her own Natural and proper Life, which in many cases would in all rational probability extend farther than the *next* year of *Jubilee*, and was to be sure the most certain way to make a provision for her, neither could this be look'd upon as any Alienation, when the Estate after her decease was to return into its proper channel; besides, that *Naomi* for ought we know might be an Heiress, which was the case of the Daughters of *Zelophehad*, *Numb.* 27. and 36. and of the Daughters of *Sheshan* 1 *Chron.* 2. 34. of *Eleazar*, 1 *Chron.* 23. 22. and as I shall make it very probable in its due place, of *Achsah* the Daughter of *Caleb*, *Josh.* 15. 16, 17. and *Jud.* 1. 13, 14, 15. in which case it would be very unreasonable they should be left destitute themselves, who had brought an accession of power and riches unto that part of their family unto which they were matched.

Who they were that in cases of this nature had a right of redemption, we find particularly set down in the Chapter of *Leviticus* so often mentioned, in the case of the poor Brother who had sold himself to the stranger, for, I suppose, the redemption of Inheritances is but one part of that Law in which the redemption of persons

ſons is included, and that the right of redeeming, is in both caſes inveſted in the ſame perſons; the words of the Law are theſe, *Levit.* 2. 47, 48, 49. *If a ſojourner or ſtranger wax rich by thee, and thy Brother that dwelleth by him wax poor, and ſell himſelf unto the ſtranger or ſojourner by thee, or to the ſtock of the ſtrangers family: After that he is ſold, he may be redeemed again; one of his Brethren may redeem him: Either his Uncle or his Uncles Son may redeem him, or any that is nigh of Kin unto him of his family, may redeem him; or if he be able, he may redeem himſelf*: It is certain that the *Jewiſh* commentators are of Opinion, that the ſame perſons had a right of redemption, in the caſe of Inheritances as well as this, in that ſome of them, not by any tradition, but by the authority of this text, have determined *Boaz* to be Uncle to *Mahlon* the deceaſed Husband of *Ruth*, and others would have him be his *Couſin German*.

But I am rather for the latter of theſe, becauſe for the *Uncle* to Marry the *Niece* which is the ſame thing with the *Nephews Wife*, is forbidden by parity of reaſon at leaſt, *Levit.* 18. 14. Neither is there any one inſtance to be found, after the delivery of the Law where it was ever diſpenſed with,

with, but now there are instances in the Daughters of *Zelophehad* and of *Eleazar*, wherein the Marriage of *Cousin Germans*, (and a *Cousin Germans Wife* is the same thing) has been dispensed with; it is therefore much safer to conclude on that side, which has precedents to favour it, than on that which has none; besides that the nearness of Kin being in a manner the same, between two Cousin Germans, and an Uncle Marrying with his Niece yet there is an equality in the former, which is one prediſpoſition to Marriage, which in the other there is not, but instead of that he is to his Neice, as hath been said *Parentis loco*; which bar to Matrimony has always been so sacred not only in the *Mosaick* but also the *Roman* Law, that it has never been broken down without the disgrace and infamy of those that gave the first example of so fowl a crime.

But that which will put the matter out of all controversie it this, that the reason of dispensations in Marriages of this nature, being founded in that Servitude or Subjection, which the Younger ows to the Elder, it is manifest that a Cousin German, that is, the Son of a Younger Brother, might properly enough marry the relict of him who was the Son of the Elder; he does in this

this perform a ſervice to his Uncle, the Father of the deceaſed who was by interpretation of Law, a kind of Father to him, as well as the other, but the Uncle himſelf being to the Niece in the ſtead of a Parent, it being impoſſible that Superiority and Subjection can conſiſt together in the ſame perſon, with reſpect to the ſame, and ſo the reaſon of the diſpenſation ceaſing, the diſpenſation its ſelf muſt of Neceſſity ceaſe together with it. But yet after all I will not be too poſitive in this caſe, which ſeems to be ſomething extraordinary, if the Uncle would *decedere de ſuo jure*, if he would ſubmit himſelf to his deceaſed Nephew, whoſe perſon he did in this caſe ſuſtain, and equal himſelf in a manner to his Niece, to whom he is by Law and by Nature in the ſtead of a Parent, *volenti non fit injuria.* Therefore I leave this buſineſs as I found it, without determining any thing either way.

But either way it is a very great miſtake of Mr. *Selden* and thoſe of the *Jewiſh Writers* whom he follows, to think that this match was not made in purſuance of that Law of *Deut.* 25. by which the Brother, was to raiſe up Seed to the deceaſed Brother, and to propagate his name and memory in his ſtead.

The

The buſineſs in ſhort is thus, *Naomi* had paſſed over her Title to the Inheritance of *Elimelech* to her Daughter-in-Law *Ruth*, upon condition that he of the Kindred, who would accept of her Daughter for his Wife, ſhould have the Inheritance together with her; upon this *Ruth* challenges *Boaz* for her Husband, which challenge he did not refuſe, but only ſaid there was one nearer of Kin than he, being as I conceive his Elder Brother, who was in this caſe always to have the firſt refuſal, and ſhe muſt firſt apply her ſelf unto him, it being not in his power to accept of what ſhe propoſed, till the other had refuſed to do it; it is therefore agreed that in the preſence of the Elders and the People, ſhe ſhall make her application to him: *Naomi*, ſaith *Boaz*, in behalf of *Ruth*, *ſelleth a parcel of Land which was our Brother* Elimelech's, you are the firſt perſon who by our Law have a right of redeeming it, ſay therefore whether you will redeem it or no: I will ſaid he, but did not think at the ſame time that he was to purchaſe a Wife into the bargain, wherefore being better informed of the true ſtate of things, he relinquiſhes his right to *Boaz*, who immediately takes *Ruth* to Wife in the preſence of the whole Aſſembly to *raiſe up the name of the dead upon his Inheritance.*

Now

Now if he had a right of redeeming the Inheritance and yet not take the Woman for his Wife, then the former impediment would ſtill remain, there being no reaſon why he ſhould relinquiſh his right, either to *Boaz* or any other pretender; but if he had not, then it is manifeſt that the connexion of theſe two, the Land and the Woman together, ſo as he muſt of neceſſity take both or neither, could not depend upon any other Law, than that of the Brother's raiſing up Seed to the Brother.

For it is another very groſs Error of theſe Writers, when they diſtinguiſh with ſo much nicety as they do, betwixt what they call the *Jibboum* and the *Geulah*, That is, the *performing the Husbands part* and the *redemption of the Inheritance*; for though they be two pretty names, and it may perhaps be a thouſand pitties that they do not ſignifie two pretty things, yet the miſchief of it is they are both of them the ſame, or if there be any difference it is only that the one is more comprehenſive than the other, ſo as in every *Jibboum* there is a *Geulah*, though in every *Geulah*, there be not a *Jibboum*, by the ſame rule in *Logick*, that every Pippin is an Apple, though every Apple be not a Pippin. For the deſign expreſſed in the Law why the

Brother

Brother was to Marry the Brothers Wife, was to *raiſe up the name of the dead upon his Inheritance*, therefore where there was no *Inheritance*, neither was there any *Jibboum*, and where there was an *Inheritance* there muſt be a *Geulah*. Theſe things are ſo very plain, that they need no confirmation, they carry their own evidence in themſelves.

But they tell us none had right to Marry the Widdow of an Husband deceaſed without Iſſue, but the next Brother to the ſame Husband, and upon his refuſal the next to him, and ſo on; but this is only ſaid, not proved. It is true indeed that what the *Rabbins* call *Jibboum* or *Leviratus*, if you argue too nicely from the ſignification of a word which is of their own making, belonged only in propriety of ſpeech to the Brother of the deceaſed; but as for all that is meant by it, and all that was the deſign of this Law, which was the performing of the Husbands part to the Widow of the deceaſed, this may be, and was Actually by the practice of the *Jewiſh* Nation, extended farther.

For look you, the words of the Law are theſe, *her Husbands Brother ſhall go in unto her.* This the *Rabbins*, to appeal to themſelves, apply to the Eldeſt of the ſurviving

viving Brethren if there were more of them, and it was very true that he was first to be applied to, but, then if he refused, application was to be made to the second and third, and so on. And that this was the order in which they were taken is evident from the story of *Er*, *Onan* and *Shelah* already so much insisted upon, and from the History of the seven Brethren all of them successively Married to the same Woman, in the Gospel; but what if all the immediate Brethren refused, as they might do if they pleased? shall the mans name perish for want of an adoptive Heir rather than the next of Kin shall be addressed to, to perform the Husbands part?

The 70 Interpreters who understood these matters better than either Mr. *Selden* or any of those Authors, whom he is pleased to follow in this matter, were not of his mind; their words are these: Οὐκ ἔσται ἡ γυνὴ τοῦ τεθνηκότος ἔξω ἀνδρὶ μὴ ἐγγίζοντι, *v.* 4. It is manifest therefore, it was enough if he were ἐγγίζων, *nigh of Kin*, which the Cousin German must not be denyed to be, and therefore their Translating the word *Jabem* ὁ ἀδελφὸς τοῦ ἀνδρὸς, which might have been Translated more compendiously by δαὴρ, is sufficient to prove that by that word

ἀδελφὸς they did not intend to confine themselves to the ſtrict ſignification of *Jabem*, but to expound it by the practice of the *Jewiſh* Church, which extended to all that were near of Kin to the deceaſed, who in the *Hebrew Idiom* are frequently called *Achim* i. e. ἀδελφοὶ, *Brethren*. The ſame is likewiſe proved from their general way of rendring the verb *Jibbem*, without reſtraining it in their verſion to the Brother of the deceaſed, *Gen.* 38. 8. *Bo el eſheth achika vejabbem Otha* 70. εἴσελθε πρὸς τὴν γυναῖκα τοῦ ἀδελφοῦ σου καὶ ἑπιγάμβρευσον αὐτὴν. That is, *duc eam uxorem*, the vulgar Latin, & *Sociare illi*, and our Tranſlation. *Go in unto thy Brothers Wife and Marry her*. Again *Deut.* 25. 5. *Lechachah lo leiſhah vejibmah*, 70. λήμψεται αὐτὴν ἑαυτῷ γυναῖκα καὶ συνοικήσει αὐτῇ, *he ſhall take her for his Wife and ſhall cohabit with her*, whereas if they would have render'd it by a word, reſtraining it wholly to the Brother of the deceaſed, they muſt inſtead of ἑπιγαμβρεύειν, συνοικεῖν, and ἀναστῆναι τὸ ὄνομα, which they uſe elſe where, have uſed ſome ſuch words as theſe, ἀνεψιαδεῖν, ἀνεψιαδελφάνειν, ἀδελφιδεῖν or ſuch like. Again, *Ruth* 4. 5. *Then ſaid* Boaz, *what day thou buyeſt the Field of the hand of* Naomi, *thou muſt buy it alſo of* Ruth *the Moabiteſs, the Wife of the dead, to raiſe up the name of the dead upon*

upon his Inheritance. And *v.* 10. *Moreover* Ruth *the* Moabiteſs, *the Wife of* Mahlon, *have I purchaſed to be my Wife, to raiſe up the name of the dead upon his Inheritance, that the name of the dead be not cut off from among his Brethren, and from the gate of his place.* Which anſwers exactly to that of *Deut.* 25. 6. *And it ſhall be that the Firſt-born, which ſhe beareth, ſhall ſucceed in the name of his Brother which is dead, that his name be not put out of* Iſrael, it is therefore unqueſtionable that the Marriage of *Ruth* and *Boaz*, being between ſo near Kins-folk, for the ſame reaſon, which is aſſigned of the Brothers Marrying the Brothers Wife *Deut.* 25. 5. did depend likewiſe upon the ſame Law, and to ſay otherwiſe, is to ſay any thing without regard either to truth or probability.

Solomon Jarchi thinks to compound the buſineſs thus, as he is cited by *Selden de ſucceſſionibus* p. 106. *Chiatta legaol Nachalath Iſhi*: He makes *Ruth* ſpeak to *Boaz* in this manner, *you are to redeem the Inheritance of my Husband*, &c. And then, *I and my Mother in Law are compelled to ſell our Inheritance; it is therefore incumbent upon you to buy it, as being next of Kin, and with the Inheritance you muſt take me too, that ſo the name of the deceaſed may be remem-*

bred because of his Inheritance, so that when ever I come upon the Lands which he possessed, men may say this was the Wife of Mahlon. And so they might whether she had Marryed any Body or no, after the decease of her Husband, so that it is manifest this is but a meer shift, and cannot be the meaning of *raising up the name of the dead upon his Inheritance*; but it is still for all this of the same meaning with that of *Deut. that his name be not put out of* Israel, and with a like expression of the Daughters of *Zelophehad Num.* 27. *v.* 3, 4. *Our Father dyed in the Wilderness, and he was not in the company of them that gathered themselves together against the Lord*, &c. *why should the name of our Father be done away from among his family, because he hath no Son; give unto us therefore a possession among the Brethren of our Father.*

Where it is plain that a *name's* being *done way from a Family*, and a mans not leaving a possession to some Body to inherit in his right, so as it was necessary the memory of his name should be continued for the asserting of the Title, are exactly the same thing. For Women could not continue the memory of their Parents; in all the old Testament you scarce ever find them inserted in the Genealogies, they have their name from *oblivion*, as men have

have theirs from *remembrance*, because they carry on and continue the Pedigree of their Fore-Fathers, but the Women are reckoned only as a part of their Husbands, and their Children as the Posterity not of theirs, but of their Husbands Fathers, and are distinguished from the Posterity of their own; to which we have a manifest allusion *Psalm* 45. 16. *Instead of thy Fathers thou shalt have Children, whom thou mayst make Princes in all Lands.* It was necessary therefore that to propagate the memory of the Father by the Daughters when he had no Male Issue, they should be considered as *Heiresses*, and the estate descending from them to their Posterity in right of their Father; his name and memory was by this means continued, which otherwise would have perished as effectually as if he had had no Children at all. From all which it is plain, that for a mans name not to be *put out of* Israel, not to be *done away from among his Family*, and to *rise up upon his Inheritance* are all of them the same thing.

Lastly, To put the matter yet farther out of question, *Ruth* 3. 13. the redemption of the Inheritance, and the Marriage of the Woman to whom in right of her Husband it belonged, as being intimately connected with one another, are both of them

expressed by the same word of redeeming, *if he will redeem thee, let him redeem thee*; both in the *original Hebrew* and in the *Greek*, we render it, *if he will perform unto thee the part of a Kinsman, well, let him do the Kinsmans part*, and the Vulgar Latin singularly well, *si te voluerit propinquitatis jure retinere, bene res acta est, si autem ille noluerit, ego te absq; ullâ dubitatione suscipiam.* Where it is certain that the Verb *Gaal* in this place, is exactly the same with *Jibbem* in *Deuteronomy*, though the first be of a more extensive signification than the latter, as likewise what our Interpreters do here call performing the *Kinsmans part*, is there by them Stiled performing the *Husbands part*.

All which is mightily corroborated by the Testimony of *Josephus*, *Antiq. L.* 5. XI. who telling this very story, mentions together with it the loosing of the shoe and spitting in the face of the refuser in pursuance of the Law made in that behalf, *Deut.* 25. 9. Μαρτυράμενος οὖν, saith he, ὁ Βόοζος τὴν γερουσίαν, ἐκέλευσε τῇ γυναικὶ ὑπολῦσαι αὐτὸν προσελθοῦσαν καὶ τὸν νόμον καὶ τύπτειν (Mr. *Selden* reads rightly after *Drusius* πτύειν) εἰς τὸ πρόσωπον, that is, *Boaz appealing to the Assembly of the Elders, bad them take notice of the refusal of the nearest Kinsman, and then instructed Ruth in pursuance*

ſuance of the Law of Moſes, *to take off his Shoe and ſpit in his Face*; which done he immediately Marryed her in the preſence of them all.

But Mr. *Selden* will not allow this to be any thing better than a miſtake of *Joſephus*, *Confuſio*, ſaith he, *planiſſimè binarum legum, quarum altera de hæreditate alienatâ, ſeu emptore invitante redimendâ, altera de fratriâ ducendâ eſt.* But I think I have made it pretty plain already that it is Mr. *Selden* himſelf is in the miſtake, not *Joſephus*, and I cannot but obſerve that it is that Learned Gentlemans misfortune to ſide with *Joſephus* only in his Errors, as when he tells us the adoptive Child was to be of the ſame name with his imputative Father, but when he ſpeaks reaſon, as he does certainly in this caſe, to oppoſe him.

For *Joſephus* does not deliver this out of any Authentick record, as is apparent by this, that we have already found him in ſeveral miſtakes, but it is only his own opinion, or perhaps the ſenſe of the Learned men of his time, that this place was to be referr'd to the Law of the *Leviratus*, and ſo he added the deſcription of this Ceremony *de ſuo*, as being a part of that Law, and which he thought was never omitted, in caſe the perſon to whom the challenge

was made, refused to accept it, only this indeed is much to be wondred at, as a very great inconsistency in *Josephus*, that he should acknowledge the Marriage of *Boaz* and *Ruth*, to have been made in consequence and pursuance of that Law of *Moses*, by which the Brother was to propagate the name and memory of the Brother, and yet understand that expression, that his *name be not put out of* Israel, as if the Child was to be of the same name, with his adoptive Father, when as it is clear that the Son of *Ruth* by *Boaz* was not called *Mahlon* but *Obed*, which name is from *habad*, *servivit*, and was given him, as I conceive, for this reason, to denote that he was a Servant to *Mahlon*, to continue his name upon his Inheritance, and propagate his memory by a new succession of descendants from his Loyns, to after ages, which is still a further confirmation of what I have endeavoured to prove.

But it may be still objected, that *Ruth* being a *stranger*, a *Moabitish* Woman, neither *Boaz* nor any other *Jew* could Marry her, it being so far from being agreeable to any Law, that it was expressly contrary to the Law of *Moses Deut.* 7. 3. *neither shalt thou make Marriages with them: thy Daughter thou shalt not give unto*

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his Son, nor his Daughter ſhalt thou take unto thy Son. But this, if it had been a good objection, might have been urged by him that was nearer of Kin to the Family of *Elimelech* than *Boaz* was, and ſince it was not, we have more reaſon to conclude, that ſhe was then proſelyted and naturalized and become as one of the *Jews* themſelves, which it is certain ſhe did paſſionately deſire, *Ruth.* 1. 16. *And* Ruth *ſaid, intreat me not to leave thee, or to return from following thee: for whither thou goeſt I will go, and where thou lodgeſt I will lodge, thy people ſhall be my people, and thy God ſhall be my God.*

And in this caſe there was no reaſon why he might not take her to his Wife, eſpecially if you conſider that ſuch Marriages were allowed, after ſome Ceremonies there mentioned, in the caſe of a Captive, of whom yet it was not required that ſhe ſhould be ſo much as a Proſelyte to the Religion of the *Jews*, *Deut.* 21. *v.* 10, 11, 12, 13, 14. the ſame was the caſe of *Jarha* the *Ægyptian* Servant, 1 *Chron.* 2. 34, 35. who yet notwithſtanding was Married to an *Heireſs*, although it be the expreſs Law of God by *Moſes*, that the Inheritance ſhould be ſo far from going into the hand of a forreigner, that it was not to remove

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so much as from Tribe to Tribe, nor if it could be avoided, out of one Family of the same Tribe into another, and though it were equally forbidden to Marry a *Servant* as a *Stranger*, so that here was a double incapacity, and yet this was it seems no hindrance to the Marriage; neither is the thing mentioned as irregular, or taken notice of with the least degree of reprehension: We may therefore very probably conclude, that he was first manumitted or set free, then adopted, not by *Sheshan* the Father of the Damsel, for this could not be, for no man can adopt a *Nephew* or *Niece*, but only a *Son* or *Daughter*, and this would be for *Sister* and *Brother* to match together, but he was adopted by the Brother or Uncle of *Sheshan*, and so Married to his Daughter in the Nature of one that was neareſt of Kin to her, as in the Instance of the Daughters of *Zelophehad* and *Eleazar*.

Further, That it was *Josephus* his deliberate opinion, that the Marriage between *Boaz* and *Ruth* was in pursuance of the *Leviratical* or rather the *anchisteutical* sanction in *Deuteronomy*, and that they were not words spoken *aliud agendo* and by chance, when he tells us of *Ruths taking off her Kinsmans Shoe, and Spitting in his Face*,

Face; will appear plainly from other words in the same *paragraph*, importing and inculcating the same thing, οὐκ οὖν φησὶ ὁ Βόοζος ἐξ ἡμισείας δεῖ μεμνῆσθαι τῶν νόμων ἀλλὰ πάντα ποιεῖν κατ' αὐτοὺς μᾶλλον, ἰδοὺ γὰρ δεῦρ' ἥκει γύναιον ὅπερ, εἰ θέλεις τῶν ἀγχῶν κρατεῖν, γαμεῖν σέ δεῖ κατὰ τοὺς νόμους.

But what are these *Laws* which he speaks of so often: are they not the *Laws* of the *Leviratus* or the ἀγχιστεία? search all the Law of *Moses* from one end to the other, and you will find no other Law to which this can refer. It is manifest therefore that *Josephus* has not only plainly, but with some seeming sollicitude delivered his opinion, that the Marriage of *Ruth* and *Boaz* was in pursuance of that Law, and I think it is equally clear from all that has been said, that he does not confound two Laws together as Mr. *Selden* has represented him to have done.

Before I leave this, I will observe that *Josephus* though he have made some unwarrantable additions of his own, of which I have carefully taken notice, yet that he took his relation out of that very Book of *Ruth* which is now received among us, and out of those very *Greek Interpreters* which are now in use, which I will shew plainly from two things. First he tells you, though falsly, that he who

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was *nearer of Kin* than *Boaz* to *Elimelech*, was in actual possession of the Inheritance συγχωρούντων τῶν νόμων κατ' ἀγχιστείαν; and then it follows, οὐκ ἐξ ἡμιστείας δεῖ μεμνῆσθαι τῶν νόμων, &c. now this νόμος ἀγχιστείας was the *Law of redemption*, or that Law which permitted the next of Kin to Marry the Wife of the deceased and possess himself of the Inheritance into the bargain; for which reason *Boaz*, who is by the *Hebrew* called *Goel*, or the redeemer, is all along by the *Greek Interpreters* called ἀγχιστεὺς or the *near Kinsman*, and their translation of *c.* 4. *v.* 6. is very remarkable; the words of the Hebrew are these, *Vajomer Hagoel Lo oucal Ligeol li, phen Ashchith eth Nachalathi, Geal atta eth Geulathi, chi lo oucal legeol.*

In the *Greek* these.

Καὶ εἶπεν ὁ ἀγχιστεὺς οὐ δυνήσομαι ἀγχιστεῦσαι ἐμαυτῷ, μή πότε διαφθείρω τὴν κληρονομίαν μου, ἀγχίστευσον σεαυτῷ τὴν ἀγχιστείαν μου, ὅτι οὐ δυνήσομαι ἀγχιστεῦσαι.

The Second thing by which this appears is this, that he who is in the *Hebrew* rightly called *Elimelech*, is by *Josephus* all along called *Abimelech*, and this he had also out of the *Greek* Translation, though not out of that reading of it which the *Vatican* preferrs; but the *Alexandrine Ms.* will both shew you that it is a corruption and by what

what degrees it proceeded to be what it is, for *Ch.* 2. *v.* 4. that copy reads it, Ἀλιμέλεχ, and 4. *v.* 4. Ἀλιμέλεχ.

All this may be yet farther ſtrengthened from the Law mentioned in the Book of *Numbers* c. 35. concerning *Chance-Medly* or *Unwilling Slaughter*, in which caſe if a man could firſt fly to One of the Six Cities of Refuge, and when his cauſe came to an hearing it appeared that there was no evil intention nor any malice fore-thought in him that had committed the fact, he was ſafe ſo long as he continued within the *Pomœria* of the ſaid City, during the life of that High Prieſt in whoſe *Pontificate* the thing was done, and after that he might repair to his own home, and enjoy all the freedom of an innocent and guiltleſs Perſon, but in caſe the *Revenger of Blood* ſhould overtake him before he could get to one of theſe Cities, or if after he had made his eſcape thither he ſhould afterwards at any time within the time prefixed, be found any where without the Bounds or *Pomœria* of the ſaid City, then it was lawful for the *Revenger of Blood* to exact one life for another, and avenge the Death of the Deceaſed Party, with that of him who did tho' never ſo unwillingly ſlay him. Now who was this *Revenger of Blood*? *Joſephus* tells you

you it was any of the Kindred. *l.* 4. *c.* 8. his words are these. Ὠικοδομεῖ δὲ Μωυσῆς τὰς δέκα πόλεις, τὰς εἰς τὸν ἀριθμὸν τῶν ὄκτω καὶ τεσσαράκοντα γενησομένας, ὧν τρεῖς ἀπέδειξε τοῖς ἐπ' ἀκουσίῳ φόνῳ φευξομένοις. Καὶ χρόνον ἔταξεν εἶναι τὸν φυγῆς τὸν αὐτὸν τῷ ἀχιερεῖ, ἐφ' ᾧ δράσας τίς τὸν φόνον ἔφυγε, μεθ' ὃν συγχωρεῖ τελευτήσαντα κάθοδον, ἐχόντων ἐξουσίαν τῶν τοῦ πεφονευμένου συγγενῶν κτείνειν, εἰ λάβοιεν ἔξω τῶν ὅρων τὸν πόλεως, εἰς ἣν ἔφυγε, τὸν πεφονευκότα, ἑτέρῳ δὲ οὐκ ἐπετέτραπτο. That is, Moses *built Ten Cities, being parcel of the Fourty eight assigned to the Levites, of which Three were Sanctuarys, for such as unwillingly had slain a Man. The time of their confinement to any of the said places was during the life of that High Priest, in whose time such an accident fell out. But after his decease, he was at liberty to return home, or go whither he pleased in safety. But in the mean time, if he were taken without the bounds of the said Sanctuary to which he was confin'd, it was lawful for any of the Kindred, and none else, to kill him.*

Now if you ask what Authority *Josephus* has for this, the Answer will be that he took this as he does every thing else from the Seventy *Interpreters*. For that which we call in our Translation the *Revenger of Blood*, is in the *Hebrew Goel Hadam*. And in the Seventy all along in *Numbers*, *Deuteronomie*, and *Joshua*, it is

ἀγχιστεύων

ἀγχιστεύων τὸ αἷμα, & ἀγχιστεύων τοῦ αἵματος. As out of them the *Vulgar Latin* renders it, *propinquus*, *cognatus*, and *proximus occisi*, and with them *Onkelos* in his paraphrase upon the Book of *Numbers* and *Deuteronomie* does exactly concur; the *Hebrew* Word, to render it exactly, is as much as the *Redeemer of Blood*, and so it is taken by *Jonathan* in his *Targum* upon *Joshua*, it is the same word used in the case of *Ruth* and *Boaz*, and in the case of redeeming the Inheritance or the Person of the poor Brother who had sold himself.

Since therefore the word in the *Hebrew* is the same, since the rendition of the other Interpreters does all along restrain it to one of the Kindred of the deceased Party, since the ἀγχιστεὺς and the ἀγχιστεύων τοῦ αἵματος in the Seventy are the same, what can be more manifest than that, as well in the Opinion of the Seventy *Interpreters*, as of others, whose Authority because not so ancient, and because derived only from them is of less Credit, the ἀγχιστεῖαι or the *degrees of Proximity* in respect of blood in all three cases, that is to say, in the redemption of the Person of a Brother who had sold himself, or of the Inheritance of the same Person, who being reduced to extream Pover-

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ty was obliged to sell it, and in the avenging the blood of him who was unwillingly slain, were all of them the same, being either the *Brother*, or the *Uncle*, or the *Uncle's Son*, or *any* that was nigh of Kin to the Family of the Person concerned. *Levit.* 25. 48, 49. Neither does it appear only from the Identity or Sameness of the word in the *Hebrew* in all these cases, and from the agreement of the Seventy in their Version in every one of the cases now insisted upon, that the word *Goel* which we render the *Revenger*, is to be understood in this last instance as well as in the other, of somebody that was nigh of Kin, but it is no less evident from the express words of the *Original Text* it self. *Deut.* 19. 5, 6. *He shall fly unto One of those Cities and live, lest the Avenger of Blood pursue the Slayer, while his heart is hot, and overtake him; because the way is long, and slay him, whereas he was not worthy of death, insomuch as he hated him not in time past.* Now in the first place it is a very wild piece of extravagance to suppose, that a man having killed another by a perfect chance, should for this reason lie exposed to the fury of every man who had the power or opportunity to revenge it, without any process or formality of Law, that

that it might be ſeen firſt whether he deſerved ſuch puniſhment or no. In the ſecond place there was no reaſon why every mans *heart* ſhould be *hot*, or ſwell'd with a tumultuous appetite of revenge, as faſt as any other, whom perhaps they never knew or heard of before, ſhould come to an untimely death, it ſeems therefore moſt reaſonable to confine it only to the relations or friends of the party deceaſed, who may well enough be ſuppoſed, eſpecially thoſe that are ſo very near, to have had the greateſt friendſhip for him, and the deepeſt ſhare in that loſs which is ſuſtained by his death. Thirdly, We muſt not Imagine that the Law did countenance revenges of this Nature, but it did only pardon the infirmity of men, whoſe *heart was hot*, i. e. overpowered with an exceſs of grief and a maſterleſs deſire of revenge, which paſſionate concern may well enough be ſuppos'd to enter into the breaſt of a *Brother*, *Uncle*, or *Uncles Son*, or *any* that is *near of Kin*, eſpecially if to the nearneſs of Conſanguinity, a ſtrict friendſhip and a neceſſary dependance be joyned, but cannot reaſonably be pretended by any in his excuſe, whoſe circumſtances of Birth and Fortune are at a farther diſtance from the perſon ſlain.

The use which I make of these things is this, that all these three instances do mutually confirm and strengthen one another; the right of redeeming the person of the poor Brother, has been shewn to belong only to the near Kinsman by the express words of the Law its self, that is to say, to the *Brother*, or *Uncle*, or *Uncles Son*, or *any* that is *near of Kin*, that is, at the least a degree farther than this; the same is likewise agreed by all the *Jewish* Interpreters, of the *redemption of Inheritances*, and is in it self very reasonable to believe, it being mentioned in the very same Chapter with the other, without any particular mention, who are the persons in whom the Right of Redemption is legally invested, unless the persons who are specified in this latter case, be understood ἀπὸ κοινοῦ to belong to them both, besides that the case of *Ruth* and *Boaz*, in which the *redemption of Inheritances* was no question concerned, shews it without all controversy to be extended farther than to the immediate Brother, though not further than to such as were near of Kin.

Lastly, The *revenging* the Death of him that was *slain by chance*, has been shewn to belong likewise to the very same persons, and that not only from the sameness of the word

word in all the three cases, and from the rendition of all the Ancient Interpreters, but from the express words of the Law and from the reason of the thing it self.

If then whoever redeemed the person of a Brother that had sold himself, might also avenge his blood, in case he were slain by chance, and might redeem his Inheritance when through poverty or want it was encumbred or alienated from him; and if the reason of that Vicarious Wedlock which is usually, but falsely confined to the Brother of the deceased, was for the redemption of the Inheritance, and to hinder it from going to any other Tribe, or as nigh as might be into another House, then it follows plainly, that whoever might redeem the Inheritance might Lawfully Marry the Wife of the deceased, which had no other end but this; which was the thing to be proved.

And now if it be asked why in the Law of *Deuteronomy*, the *Jabem* or *deceased Husbands Brother* is only mentioned, notwithstanding so many of the Kindred might Marry to the Widow, I answer it was for these three reasons, First, Because the first refusal of the Widow and of the Inheritance was his. Secondly, Because he was under the strictest obligation to propagate

pagate the name and memory of his deceaſed Brother in the nature of his Servant, whereas though the other relations might if they pleaſed, do it upon the refuſal of the Brethren, yet not ſtanding in the ſame relation of ſervants to the deceaſed, they were not as I conceive under the ſame obligation. Laſtly, *Denominatio ſumitur a parte potiori*, becauſe it did actually ſo come to paſs for the moſt part, that one of the ſurviving Brethren did accept of the Challenge made by the Woman in behalf of her deceaſed Husband, and there was good reaſon why he ſhould, if he were not Married before, becauſe by this means there was, as I have ſaid, one Child provided for, and that very plentifully, for there was a double portion in the caſe, which belonged of right to the Elder Brother, *Deut.* 21. 17. and it is not improbable that he received likewiſe into the bargain this farther advantage, that during his own life he had the entire management and diſpoſal of this eſtate, for the ſupport of himſelf, and for the benefit of all his Family, though at his death he muſt leave it as he found it, and could not cut off the Entail from the Eldeſt Son of this imputative or adoptive Bed.

This might, for ought we know, be the reaſon why the Marriage of the Brother

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to the Brothers Wife, was so severely forbidden by several *Imperial* Laws, both in the *Corpus Juris Civilis* of *Justinian* and in the *Theodosian Code*, which practice might perhaps creep, though not for the same reason of raising up the name of the dead upon his Inheritance, out of *Judea* into the Empire, but if any man had rather think that this was an effect only of that *Libertinisme*, and *Licentiousness*, to which men are but too subject of themselves, I am so far from contending, that perhaps I shall be more inclinable to be of his opinion; but it is certain that this practice, so far as it was used among the *Ægyptians*, was borrowed from the *Jews*, or perhaps from those Elder times from whom the *Jews* themselves received it, which may be plainly proved from the words of that *Imperial Rescript* by which it was at length forbidden by the Emperor *Zeno*; they are these:

IMP. ZENO. A. EPINICO. P. P.

Licet quidam Ægyptiorum idcirco mortuorum fratrum sibi conjuges matrimonio copulaverint, quod post illorum mortem manssse Virgines dicebantur, arbitrati scil. (quod certis legum conditoribus placuit) cum corpore non convenerint, nuptias non videri re esse contractas;

& hujusmodi connubia tunc temporis celebrata, firmata sunt, tamen præsenti lege sancimus, siquæ hujusmodi nuptiæ contractæ fuerint, eas earumq; contractores, & ex his progenitos antiquarum legum tenori subjacere, nec ad exemplum Ægyptiorum (de quibus supra dictum est) eas videri fuisse firmas, vel esse firmandas.

Now that this custom among the *Ægyptians*, was received from the *Jewish*, I argue from these words, *quod certis legum conditoribus placuit*, which *legum conditores* are *Moses* and those other *Lawgivers* of *Earlier times*, from whom he himself received it; and though it be true that the *Jews* Married the Wife of their deceased Brother, whether she were a *Virgin* or no, in case she had no *Male Issue*, yet it is every whit as true, that there were those that would not allow this Law to take place, but only in such, as had never been touched by the deceased Husband; of which number there is no meaner a man than *R. Shammai* himself, the head of one of the two famous *Pharisaick* Schools, as *R. Hillel* was of the other, and the *Samaritanes ad unum omnes*; but I take this only upon the Authority of *Grotius*, who upon *Deut.* 25. 5. hath these words, *Uxor defuncti,) malè Sammai & Samaritani hoc de desponsatâ tantùm*

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tùm interpretantur, obſtant tum alia, tum Gen. 38. 6. and if this was the Opinion of the *Samaritanes*, who yet certainly received their knowledge of this Law from the *Jews*, why might it not be of the *Ægyptians* too?

Again, if theſe matches were made by others up and down the *Roman* Empire, as the *ſame Edict* does more than ſeem to inſinuate, *ad exemplum Ægyptiorum*, then it is true what I have already hinted, though I would not be very confident of it, that the *Romans* themſelves received it from the *Jews* Originally, for *cauſa cauſæ eſt cauſa cauſati*.

Having thus proved that by the *Firſt-born*, is meant not the *Levir* himſelf but the *Eldeſt* Son of the *Leviratical Bed*, and that by *raiſing up the name of the dead*, by *hindring his name from being blotted out of* Iſrael, is not meant that the adoptive birth was to be of the *ſame name* with the deceaſed Father, having ſhewn that the Marriage of *Ruth* and *Boaz* was in conſequence and purſuance of that Law in *Deuteronomy*, whereby the Brother was authorized and obliged to *raiſe up Seed to his deceaſed Brother*: Laſtly, Having demonſtrated that by the *Name*, the *Inheritance* is meant, and given the reaſon why it is

so, becauſe it was neceſſary the name of the dead ſhould be continued for the aſſerting of the Title; by the light of what has been ſaid we may now diſcover two other Errors of Mr. *Selden* and his *Rabbins*; his words are theſe, p. 99, 100. *Conſenſu Magiſtrorum, poſteri à fratre fratriam ducente ſuſcepti omnes, pro vario jure in aliis ſpeciebus ſucceſſionis, defuncti fratris hæreditatem capiebant.* In which words there are no leſs than two very groſs miſtakes. The Firſt is this, that this opinion ſuppoſeth all the Children begotten by the *Levir* or *near Kinſman* upon his Brothers Wife were accounted and looked upon as the Children of the party deceaſed; and the Second which is expreſly aſſerted, that they had all of them a ſhare in the Inheritance, both of which muſt needs be falſe, if by *ſucceeding in the name of the dead*, *Deut.* 25. 6. nothing elſe can be meant, as I have proved, that nothing elſe is or can be, but only that, he was to *Inherit* the Eſtate and Patrimony of the deceaſed, for this belong'd only to the *Firſt-born* by the expreſs words of that place, *and it ſhall be that the Firſt-born which ſhe Beareth ſhall ſucceed in the name of his Brother which is dead, that his name be not put out of* Iſrael, now to attribute that in common to all

which

which the Scripture ſo plainly appropriates to one, what is it but to prefer the Authority of a *Rabbin* before that of *Moſes* the Lawgiver himſelf? Only thus much I believe to have been very true, that in caſe the *Firſt-born* died, then the *next Brother* was to Inherit in the nature of an *adoptive* Son, as the Eldeſt had done before him, and ſo on, if there was more Brothers, and the *Second* died likewiſe as the *Firſt* had done; becauſe without this there would not have been a ſufficient proviſion made for that which was the declared end and deſign of the Law, that *his name be not put out of* Iſrael, and becauſe it is certain if the Elder Brother, I ſpeak now of the *Imputative Father*, died without Iſſue, then the next was to ſucceed in his Bed and in his Inheritance, as a kind of an *adoptive Husband*, or an *Husband* in his *Brothers ſtead*, as is evident from the ſtory of *Er*, *Onan*, and *Shelah*, and from the ſtory or ſuppoſition of the Seven *Brethren* in the *Goſpel*.

Now if Brethren were uſed to ſucceed one another in their courſe, upon the deceaſe of the Eldeſt, the Second and ſo on, in the quality of *adoptive* and *vicarious* Husbands, it ſeems to me to depend upon the ſame reaſon and right, that the Children begotten in ſuch a *Leviratical* or *anchi-*

Anchiſteutical Bed, ſhould alſo ſucceed one another upon the deceaſe of the Elder in quality of *adoptive Sons*, or Heirs to the Firſt Husband deceaſed.

But then if there were no Sons, then the *Daughter Firſt Begotten* was to Inherit, for it is ſtill a great miſtake in Mr. *Selden* and his *Rabbins*, when they Interpret thoſe words, *If Brethren dwell together and one of them die*, ou ben een Lo, and *hath no Son*, ſo laxly as if it were indifferent either to a Son or Daughter, neither is it any argument for him in this caſe, that the 70 and the *Vulgar Latin*, have rendered it in ſuch general words, by σπέρμα and by *liberi* or that St. *Matthew* and St. *Mark* ſpeaking of this very thing, uſe the word τέκνα inſtead of υἱὸς. For general Words as they are in themſelves extended to a greater latitude of ſignification, ſo they may be reſtrained when the nature of the Subject treated of does require it, as if a man who had *no Daughter*, ſhould uſe the word *Liberi*, or τέκνα ſpeaking of his own Children, it is manifeſt that in this caſe theſe words, however extenſive their full ſignification be, muſt be reſtrained to ſignifie only the *Male Iſſue*, becauſe we ſuppoſe him to have no other. So παῖδες ſignifies properly only *Sons* or *Male Children*; and yet when *Joſephus* makes the

the nearest of Kin of the Family of *Elimelech* say, εἶναι γυναῖκα αὐτῷ καὶ παῖδας ἤδη, nothing hinders but that by παῖδες in this place either *Boys* or *Girles* in common, or perhaps only *Girles*, if the man had none but such, notwithstanding in propriety of speech it be restrained only to the Male Issue, might be understood. From both which instances it is plain, that words may be and are frequently extended beyond, or restrained within a much narrower compass, nay, sometimes taken quite contrary to their natural signification, in compliance with the Nature of the Subject about which the discourse is made; and I appeal to any man, upon supposition that the Ἀγχιστεὺς, he that was *nearest of Kin* to the Family of *Elimelech*, had only *Girles* for his Children, whether it would not have been better *Greek* to say εἶναι αὐτῷ παῖδας than any thing else that could have been said, for παιδίσκη in this sense is not *Greek*, and κόρη, or κοράσιον or νεανίσκη, expresses the Sex, but does not so plainly represent the relation, as his Children.

But at the worst it is but the Opinion of the *Seventy* and those that follow them, that the word *Ben* in this place was indifferent to a *Son* or a *Daughter*, but I will now shew if that were their Opinion, that they are by no means infallible, though their

Authority

Authority as Interpreters be for the general the most Sacred, and the least subject to exception of any.

For, First, I affirm that when it is said; *Deut.* 25. 6. *And it shall be that the First-born which she beareth*, &c. that this by the propriety of the Sacred Language is to be understood only of the *Male issue*. As it is *Exod.* 11. 5. *And all the* First-born *in the Land of* Ægypt *shall die, from the First-born of* Pharaoh *that sitteth upon his Throne, even unto the* First-born *of the Maid-Servant, that is behind the Mill, and all the* First-born *of Beasts*: *Ch.* 12. 29. *And it came to pass that at Midnight the Lord smote all the* First-born *in the Land of* Egypt, *from the* First-born *of* Pharaoh *that sat on the Throne, unto the* First-born *of the Captive that was in the Dungeon, and all the* First-born *of the Cattel.*

Now that by the *First-born* who were Smitten by the destroying Angel only the *Males* are to be understood, I argue from the Separation of the *First-born* among the Children of *Israel* in memory of this delivery. *Exod.* 13. 2. *Sanctifie unto me all the* First-born, *whatsoever openeth the Womb among the Children of Israel.* Now if it be proved that only the *Males* were sanctified, then it is clear that none but the *Males* were destroyed,

ſtroyed, and that by the *Firſt-born* none but the *Males* are to be underſtood.

I confeſs the Phraſe of *Opening the Womb* is a little general and does extend to *Females* as well as *Males*. But it is to be conſidered that it depends upon what went before. *Bibnei Jiſrael*, which I take here in the moſt ſtrict and proper ſenſe, whatſoever or whoſoever of the *Sons* or *Males of* Iſrael firſt openeth the Womb, that is, is *Firſt-born*. And ſo *Exod.* 21. 29. *The* Firſt-born *of thy Sons ſhalt thou give unto me*. But becauſe it may be pretended that by *Sons*, and by the *Sons* or *Children of* Iſrael, both *Males* and *Females* are to be underſtood, as it is certain it is ſo in many other places, and the contrary cannot be proved, without ſome other argument than a bare ſuppoſition to ſupport it; I ſhall now deſire you to conſider, that as the *Firſt-born* of all the Children of *Iſrael*, were Firſt Sanctified and ſet apart, in gratitude for that deliverance which they had when the *Firſt-born* of *Ægypt* were deſtroyed; ſo afterwards the *Levites* were ſingled out from the reſt of the Tribes, and ſet apart inſtead of the *Firſt-born* of the Children of *Iſrael* *Numb.* 3. 12, 13. *Behold I have taken the* Levites

Levites *from among the Children of* Israel, *instead of all the First-born that openeth the Matrix among the Children of* Israel. *Therefore the* Levites *shall be mine, because all the First-born are mine, for on the day that I smote all the First-born in the Land of* Ægypt, *I hallowed unto me all the First-born in* Israel *both Man and Beast: mine they shall be, I am the Lord.*

Now in what sense it was that the *Levites* were set apart, and what they were obliged to do by such their separation is expressed *v.* 5, 6, 7, 8. of the same chapter, in these words: *And the Lord spake unto* Moses, *saying, bring the Tribe of* Levi *near, and present them before* Aaron *the Priest, that they may Minister unto him, and they shall keep his charge, and the charge of the whole Congregation before the Tabernacle of the Congregation, and the charge of the Children of* Israel *to do the Service of the Tabernacle.* The same you have likewise repeated again, *c.* 8. of the same Book. It is clear then if *Ministring to the Sanctuary* and doing the Service of the *Tabernacle*, be all that is meant by the *Levites* being set apart, and all that they were obliged to do by vertue of such their separation, that the separation of the *First-born* of all the Children of *Israel* whose persons the

Levites

Levites did in this case represent, was of the same Nature, that is, they were consecrated to a sort of *Priest-hood*, and their business was to be conversant about the Holy things.

Now *Women* were never admitted into the *Priest-hood*, or set apart to the *Ministry of the Altar*, either before the *Law* or under it, any more than they are now under the *Gospel*, therefore it is plain that by the Separation or Sanctification of the *First-born*, only that of the Males is to be understood.

Again, *Women* were at liberty to Marry out of one Tribe into another, so as a Woman descended of the Tribe of *Levi* might Marry if she so pleased into that of *Benjamin* or *Judah*, but by so doing the *band of Matrimony* unites her much more strongly to her Husband and his Tribe, than to that Tribe of which she was descended, so that this, if they had been separated would have been a kind of alienation from the service of God, for that they did so Marry is evident from the case of the Daughters of *Zelophehad*, who were hindred from Marrying into another Tribe, not because it was in its self unlawful or not usually practised, but to preserve the Inheritance from being alienated for ever from that Tribe to which it

it formerly belonged, and the Daughters of the other Tribes were with difficulty and by such another wile, as that by which the *Romans* took them Wives of the *Sabines*, granted to the *Benjamites* after the great slaughter, not because it was unlawful simply considered, and in its self, but because the Children of *Israel* had sworn, saying, *cursed be he that giveth a Wife to Benjamin*, *Jud.* 21. 18. In other cases it was rather a Duty than a thing unlawful for the Tribes to intermarry with one another, because such Intermarriages are naturally productive of a strict friendship and unity between them, which was the reason why such Marriages were by the Law forbidden with *Idolatrous* and *Heathen* People, for fear that friendship and good understanding, which this would produce, might be a means to tempt the *Israelites* from their Duty, to make them Eat of their Sacrifices, and defile themselves with all their abominations.

Neither was there any Law as I conceive, of more use to the Aggrandizing of the *Roman* State, by abating somewhat of those perpetual heats betwixt the *Lords* and *Commons*, of which it was composed, than that which was at length passed by the Wisdome and activity of one of their Tribunes, *de maritandis ordinibus*, whereby the

the *Patricii* and *Plebeians*, were allowed to Intermarry with one another betwixt whom before that time there was kept so sacred & so unviolable a distance. Lastly, of the Intermarriages of those of the Tribe of *Levi* into other Tribes, we have an instance in the * *Blessed Virgin* her self, who being of the Tribe of *Levi* was espoused to *Joseph* of the Tribe of *Judah*

* *Grot. ad* Matth 1. 16. *Quod aiunt tribulis tribulibus nubere debuisse, neque perpetuum est, neque si fit, eo usque valere potest, ut etiam ex Davidis familiâ Mariam fuisse natam inde appareat. Ib. paulo post.* ——*Id ipsum evincit historia quæ est* Judic. 21. 18. *ubi tribus cæteræ, quo minus filiæ suas nuptum darent* Benjamitis, *ostendunt se non lege Divinâ sed jurisjurandi religione prohiberi. Et* David Juda *prosatus ex* Benjaminis *progenie* Micholem *duxit uxorem. Et de* Hillele Pharisæo *scriptum reperimus apud* Hebræos *patrem ei fuisse ex tribu* Benjamin, *matrem ex tribu* Juda. See the same Learned Annotator upon *Luc.* 1. 5. where he gives some other examples, and does also sufficiently confute that conceit of *Philo judæus*, as if the High Priest could not Marry out of the Family of *Aaron*. Such another mistake is that of *Epiphanius*, who will have no Tribes to Intermarry with one another but those of *Judah* and *Levi*. His words are these. *Hæres*, 78. ἀλ Νο φυλαὶ αὐτὸ ποιοῦσι φάσκουσες ἀλλήλας, ὅτι βασιλικὴ τῆ ἱερατικῆ, καὶ ἡ ἱερατικὴ τῆ βασιλικῆ.—— Which is so far from truth that *Philo* himself confesses that the Priests themselves all but the High Priest might Marry any of the *Jewish* Nation who they pleased. ὐκ ἐκώλυσε, saith he, τὰς ἄλλας ἱερεῖας ἐπιγαμίας ποιεῖσθαι τοῖς ἀπὸ τῶν φύλων. ——And *Josephus* requires no more *contr. Appion.* l. 1. Δεῖ δ' μητέρα καὶ ἱερωσύνης ἐξ ὁμοφύλων μητρὸς παιδοποιεῖσθαι.

But this is not all, the institution of the Passover, is a sufficient demonstration that by the destruction of the *First-born* that of the Males was only meant, for the Passover which was afterwards a commemoration of this deli-

† V. Stuckius

deliverance, and was in its first institution used by way of atonement, to procure it, by Sprinkling the Blood upon the Posts of the Houses, by which the destroying Angel was to pass, was to be a *Male* of the *First Year*, a *Male* as being an atonement for a *Male* and of the *First Year* to be an atonement for the *First-born*. To which purpose it is likewise said, *Exod.* 13. 12. *Thou shalt set apart unto the Lord, all that openeth the Matrix and every Firstling that cometh of a Beast, which thou hast, the Male shall be the Lords.* And again, *v.* 14. 15. *And it shall be when thy Son asketh thee in time to come, saying, what is this? that thou shalt say unto him, by strength of hand the Lord brought us out of* Ægypt, *from the House of Bondage. And it came to pass when* Pharaoh *would hardly let us go, that the Lord slew all the* First-born *in the Land of* Ægypt, *both the* First-born *of Men and the* First-born *of Beast, therefore I sacrifice to the Lord all that openeth the Matrix, being Males, but all the* First-born *of my Children I redeem.* For this reason the remainder of the *Meat-Offering* was to be eaten by the *Males* only of the Children of *Aaron*, because the *Females*, as I have said, were not set apart to the Ministry of the Altar, *Levit.* 6. 18. *All the Males among the Children of* Aaron *shall eat of it, it shall be*

be a ſtatute for ever in your Generations, concerning the Offerings of the Lord made by Fire, every one that toucheth them ſhall be Holy, i.e. not only purified with all the *Moſaick* ways of luſtration, but actually ſet apart to be employed about the Holy things, which were hallowed unto the Lord, which it ſeems by this place, the *Females* were not, though of the Houſe of *Aaron*. So alſo it is expreſly ſaid about the treſpaſs Offerings, *Levit.* 7. 6. *Every Male among the Prieſts ſhall eat thereof, it ſhall be eaten in the Holy place, it is moſt Holy.* And as the Females were always excluded from the number of thoſe that were ſeparated in ſtead of the *Firſt-born*, ſo the Males even from a Month old and upwards were all taken into the Muſter, *Num.* 3. 28. ſpeaking of the Males of the Family of *Kohath*, and the ſame is to be underſtood of other Families. *In the number of all the Males, from a Month old and upwards were Eight Thouſand Six Hundred keeping the charge of the Sanctuary.* So then it is clear that none but the *Males* came into the Account, and none but they had the *charge of the Sanctuary* committed unto them. And to fill up the demonſtration, and make it to all intents and purpoſes compleat and perfect, in the 46. *verſe* of

the ſame *chapter*, we find the Number of the *Firſt-born* in the *other Tribes*, who were to be repreſented by the *Levites*, did exceed the Number of the *Levites* themſelves, by Two hundred ſeventy three perſons, for whom therefore there was an other way of Redemption found, than that of their ſeparation to the Miniſtry of the Tabernacle, either by themſelves or by their Proxies the *Levites*, which was, that they were to pay Five Shekels apiece, after the Shekel of the Sanctuary, each Shekel conſiſting of 20 Gerahs, for the uſe of *Aaron* and his Sons, *v.* 47, 48. which was accordingly done and diſtributed after the manner aforeſaid, *as the Lord had commanded Moſes*, *v.* 49, 50, 51.

From whence it is very plain, not only that none of the *Levites* were reckoned, but the Males, but that they repreſented none but ſuch, in the other Tribes: For if you conſider, that the Tribe of *Levi* was one of the *Thirteen*, all the Males of the Tribe of *Levi*, will be in a manner of an equal number with the *Firſt-born* being Males of the other Tribes, for the exceſs of Two hundred ſeventy three, is only accidental in its ſelf one way or other, and is not much either way in ſo large an account as this.

But

But you will say it is an equal chance, take one with another, whether a Male or Female be Born first in any house or Family, and therefore if only the *First-born* were represented by the Males of the *Levites*, and the Females were not taken into the account nor had any to represent them, then the number of the *Levites* would be in a manner double to the number of the *First-born* in the *other Tribes*: But to this I Answer; that in such cases the Female indeed was omitted out of the account, but the next Male to her was taken in as the *First-born*, and so the Account will be adjusted again. If you ask me how I prove this, have a little patience and I will tell you.

You must know therefore that the *First-born* of all *Beasts* as well *clean* as *unclean*, were to be set apart, as well as the *First-born* of *Men*, the clean for Sacrifice and the unclean to be redeemed with Mony. Now it is expressly asserted in the Law it self, as hath been already shewn, that none but Males were either to be Sacrificed or Redeemed; what therefore if the *First-born* of any Beast, whether clean or unclean, shall prove a Female, shall not the next Male be esteemed as the *First-born* in this case? And is not this much more reasonable to suppose than that God should lose his

Sacrifice, or the Priests their portion? Nay, is it not expressly asserted that it was to be so? *Numb.* 3. 40. *The Lord said unto* Moses, *Number all the* First-born *of the Males of the Children of* Israel; now he might be the *First-born* of the Males, the *First-born in suo genere*, who was not so *absolutè*, or the *First-born* of all the Children: It is clear therefore, that in case a Daughter were really the Eldest, yet she was not included in the notion of the *First-born*, which belonged only to the First of the Males, *i. e.* to her next Brother or to the Eldest Son that should be born after her; now the same was the case both of Cattel and Men, and for the same reason, so that these things do mutually strengthen and confirm one another, *v.* 41. of the same Chapter. *And thou shalt take the* Levites, *for me* (*I am the Lord*) *instead of all the* First-born *among the Children of* Israel, *and the Cattel of the* Levites *instead of all the Cattel of the Children of* Israel. All which will be yet further evident from *Deut.* 21. *v.* 15, 16, 17. *If a Man have two Wives, one beloved and another hated, and they have born him Children, both the beloved and the hated, then it shall be when he maketh his Sons to Inherit that which he hath, that he may not make the Son of the beloved* First-born *before*

fore

fore the Son of the hated, which is indeed the First-born, *but he ſhall acknowledge the Son of the hated for the* First-born, *by giving him a double portion of all that he hath, for he is the beginning of his ſtrength, the right of the* First-born *is his.* From which place I argue thus: Whoever had the right of the *Firſt-born* and was to receive a double portion of all that the Father poſſeſſed, he or ſhe was in the Interpretation of the Law, and conſequently in the Language of *Moſes*, and in all thoſe Laws where mention is made of the *Firſt-born*, *the Firſt-born*; but this was not the *Firſt-born Child*, but the *Eldeſt Son*: Therefore in caſe a Daughter were born before him, it is neceſſary according to the true intention of the Law, and the practice of thoſe times, that ſhe ſhould be omitted out of the account; for a Female, in caſe there were any Male ſurviving at the death of the Parent, was ſo far from having a double portion which was the right of the *Firſt-born* that ſhe was not to Inherit at all, *Numb.* 27. 8. *If a man die and have no Son, then ſhall he cauſe his Inheritance to paſs unto his Daughter.* But in no other caſe unleſs you ſuppoſe this Law to be in vain: It is manifeſt therefore all along, that by the *Firſt-born* the *Eldeſt Son* is meant; again, *for he is the beginning of his*

ſtrength, which is the very expreſſion of *Jacob* concerning his Eldeſt Son *Reuben*, *Gen.* 49. And the meaning of it is this, that the Eldeſt Son was in the nature of all *primitiæ* or firſt Fruits, dedicated unto the Lord, only with this difference, that all other *firſt Fruits* were dedicated in the nature of *Sacrifices*, but he in the quality of a *Prieſt*. Now as I have ſaid, it is plain that Women were never admitted into the *Prieſt-hood*, either before the Law or under it, and before it as hath been ſaid, the Eldeſt Brother was both the King and the Prieſt of the Family, for theſe two characters were of Ancient time commonly united in the ſame perſon, as *Melchiſedeck* was *King of* Salem, *and Prieſt of the moſt High God*; As is evident from the Accounts of *Numa* and *Tullus Hoſtilius* in the *Roman* ſtory, and from this, that after the expulſion of their Kings they had their *Reges Sacrificuli*, whoſe buſineſs it was to execute thoſe parts of the Prieſtly Office which belonged formerly to the *Kings of Rome*. And as has been a thouſand times obſerved out of that known Verſe,

Rex Anius, Rex idem hominum Phœbique ſacerdos.

Upon

Upon which place of *Virgil*, *Servius* hath these words, *Majorum enim hæc erat consuetudo, ut Rex esset etiam Sacerdos & Pontifex, undè hodiè quoq; Imperatores Pontifices dicimus.* And upon the very next Verse to it,

Vittis & sacrâ redimitus tempora lauro,

saith thus, *Vittæ Sacerdotis sunt, laurus etiam Imperatoris victoris.*

For which reason it is that when *Jacob* calls *Reuben* the *beginning of his strength*, he adds to it, after an exegetical, or explanative manner, *the excellency of Dignity and the excellency of Power*; in the former of which expressions the *Priest-hood*, and in the latter the *King-ship* of the Family, though *Reuben* had forfeited them both for a reason already mentioned seems to have been contained. And that this separating of the *First-born*, was in the nature of *First-Fruits* in Ancient times as well as it was afterwards for another reason likewise, will appear from *Exod.* 22. 29. where the separating the *First-born* and of the ἀπαρχαὶ or First-Fruits are evidently compared together. *Thou shalt not delay to offer the first of thy ripe Fruits and of thy Liquors*; *the* First-born *of thy Sons shalt*

ſhalt thou give unto me. If then the *beginning of the Fathers ſtrength, and the* Firſt-born, were all one, and if the *beginning or* Primitiæ *of the Fathers ſtrength*, neither was nor could be a Daughter, but muſt always be a Son, then it is manifeſt that the ſame thing muſt be underſtood likewiſe of the *Firſt-born*, which was the thing in queſtion.

There are two things, I foreſee, may be objected againſt what has been ſaid; the firſt is this; Suppoſe a man had but *one* Child, and that a *Daughter*, whether this were to be taken into the liſt of the *Firſt-born*, to which I anſwer in the negative, that ſhe was not, and I give this reaſon; Either he had an Inheritance to beſtow, or he had not; if the latter, then it is manifeſt the Woman was not conſidered, as of that Family of which ſhe was deſcended, but was to paſs into another by Marriage, or dye uſeleſs and unregarded in a ſingle life, from whence it came to paſs that Women as I have obſerved already, had their names from *oblivion* and were called *Naſhim*, as on the contrary the men are *Zecarim* from *remembrance* becauſe they carry on and continue the memory of their Fore-Fathers in their Inheritance and in their perſons.

But then upon Suppoſition that there

was

was an Inheritance left behind to be enjoyed by some body after his decease, yet it would not have fallen to his *Daughter*, at that time when the *Levites* were set apart instead of the *First-born*, but to the next of Kin, the Daughters of *Zelophehad*, being the first instance of Womens inheriting in the sacred story, and it appears that at that time it was a new thing and never heard of before, therefore they apply themselves to *Moses* for a remedy of this grievance to the Female Sex, and complain of it as a very unreasonable thing, *Num.*27. *v.* 2, 3, 4. *And they* (the Daughters of Zelophehad) *stood before* Moses *and before* Eleazar *the Priest, and before the Princes of all the Congregation, by the door of the Tabernacle of the Congregation, saying, our Father died in the Wilderness, and he was not in the company of them that gathered themselves together against the Lord in the company of* Korah, *but died in his own sin, and had no Sons, why should the name of our Father be done away from his Family because he hath no Son? Give unto us therefore a possession among the Brethren of our Father.* Which petition of theirs, however reasonable it might appear in its self, yet *Moses* could not grant it, till he had first brought their cause before the Lord, *v.* 5. from whom

whom he received this answer, *v.* 6, 7, 8, 9, 10, 11. in which the *Mosaick* platform of Successions to the Inheritance or goods of the deceased is contained: *And the Lord spake unto* Moses, *saying, the Daughters of* Zelophehad *speak right: Thou shalt surely give them a possession of an Inheritance among their Fathers Brethren, thou shalt cause the Inheritance of their Father to pass unto them, and thou shalt speak unto the Children of* Israel, *saying, if a man die and have no Son, then he shall cause his Inheritance to pass unto his Daughter, and if he have no Daughter, then he shall give his Inheritance unto his Brethren, and if he have no Brethren, then he shall give his Inheritance unto his Fathers Brethren, and if his Father have no Brethren, then he shall give his Inheritance to his Kinsman, that is next to him of his Family, and he shall possess it, and it shall be unto the Children of* Israel *a statute of Judgment, as the Lord commanded* Moses.

By which words it is manifest, as well from the expostulation of the Daughters of *Zelophehad*, as from the answer of God to the remonstrance of *Moses* made in their behalf, that Daughters before that time were in no case to Inherit the Land of their deceased Fathers, for it would have

have been a very Idle queſtion, *why ſhould the name of our Father be done away from his Family becauſe he hath no Son*? and as needleſs a demand, *give unto us therefore a poſſeſſion among the Brethren of our Father*, if the Daughters by the cuſtom and uſage of thoſe times, had had in default of Male Iſſue, a true and proper right of Inheritance to the eſtate of the deceaſed: Which is yet farther plain from this, that *Moſes* durſt not of himſelf adventure to aſſign them a poſſeſſion among the Brethren of their Father, till he had firſt conſulted God what was to be done, in a caſe in which he had no Law; nor any example but what would be to the prejudice of the Petitioners to govern himſelf by; and by the anſwer of God to *Moſes* it appears plainly, that the Inheritance of Sons was then ſufficiently provided for, *v.* 8. *If a man die and have no Son*; in which words the Inheritance of the Son is ſuppoſed, in caſe the deceaſing party left any, but for that of the Daughter and of the collateral relations, it was not yet ſettled, as is plain from that expreſs proviſion which is here made in that behalf, and from thoſe words at the cloſe of this proviſion, *v.* 11. *And it ſhall be unto the Children of Iſrael a ſtatute of Judgment*: Which words

words might well enough have been spared, as well as the scruple, the consultation, the answer and all that went before, if these things had been unto the Children of *Israel* a *statute of Judgment* before that time.

Now if you examine at what time this Law was made, the Chapter wherein it is contained will tell you, that it was after fourty years sojourning in the Wilderness, when all that Generation which came out of *Ægypt*, *Caleb*, and *Joshua*, and *Moses* himself only excepted, were actually dead and gone, and when *Moses* himself was about to follow the rest, and to resign up his Government, together with his life, into the hands of *Joshua* the Son of *Nun*. Which being long after the *Levites* were set apart to the Ministry of the Sanctuary instead of the *First-born*, it is plain that in those lists of the *First-born* which were then taken, there was no mention made of any *Daughter* though the *only* Child, she being neither the *beginning of her Fathers strength*, in that sense in which those words are to be understood, as has been shewn, neither did the *double portion*, which was the right of the *First-born* (or indeed, as it must be in the case of an *only* Child, all the estate) belong to her.

And

And though it be true that the *First-born* themselves had at that time, being in the Wilderness, no Inheritance, there being as yet no partition made of the Land of promise, yet they were notwithstanding heritable persons in the esteem of Law, and they were going to the actual possession of such Inheritances, which none of the Daughters of that time were.

But it is enough to say without all this elaborate canvaseing the business, that the reason of the separation of the *Levites* instead of the *First-born*, being to be the *Priests* and *Clergy* of the *Jewish* Nation, in their stead, and it being manifest by the excess of *Two hundred and threescore and thirteen*, for whom a price of redemption was paid, that every man had his particular representative assigned him at that time, and it being ridiculous for a *Levite* to represent that person in the service of the Tabernacle, which its self was excluded from all manner of intermedling in such affairs, which I have shewn Women always to have been, it is demonstration that not being represented by the *Levites*, they were not reckoned in the number of the *First-born*. Thus far therefore it is undeniably certain, that by the *First-born* the Male, and the *Male only* is to be understood.

This

This is the First Objection; the Second is this: There were *First-born* among the *Levites* themselves too, how therefore shall we do in this case? were they set apart for their own sakes and for the sake of others whom they represented also? This seems to be not only needless, but in a manner impossible, for when you have done all, they can be but set apart to such a service, and that they are as effectually one way as the other. And which soever of these you consider First, the real or the vicarious person, seems for that reason to exclude the other.

But to this I answer, that whatsoever the *Levites* were with respect of their office, was perfectly by way of representation, they were nothing in themselves, they had no inheritance, neither were they considered as a part of the children of *Israel*, Numb. 1. 48, 49. *The Lord had spoken unto* Moses *saying, thou shalt not remember the Tribe of* Levi, *neither take the sum of them among the Children of* Israel. Numb. 18. 20. *The Lord spake unto* Aaron, *thou shalt have no inheritance in their Land, neither shalt thou have any part among them I am thy part and thine inheritance among the Children of* Israel. *And* ver. 24. *The tithes of the Children of* Israel *which they offer as an heave offering unto the Lord,*

Lord, I have given the Levites *to inherit. Therefore I have said unto them, among the Children of* Israel *they shall have no inheritance.* Lastly, c. 26. 62. *And those that were numbered of them* (of the Levites,) *were* 23000, *all Males from a month old and upward, for they were not numbred among the Children of* Israel, *because there was no inheritance given them among the Children of* Israel.

I shall conclude this discourse of the signification of the word *First-born*, and of its being always restrained and confined to the Male issue, with that place of *Zech.* 12. 10. *They shall mourn for him as one that mourneth for his only Son, and shall be in bitterness for him as one that is in bitterness for his* First-born, where it is evident that the *First-born* in the *latter* clause being only *exegetical* of the *onely son* in the *former*, and it being a *proverbial* speech expressive of the extremity of grief and sorrow, which in all reason will and ought to be greater for the loss of a *Male* that might have continued the name and memory of the deceasing Parent, than of a Female from whom this advantage cannot be obtained, it is in both of these respects clear, that the word there is restrained to the *Male Issue*; and look whatever is the sense of a word in a *proverbial* way of speech as this is, that is

the general acceptation of that word in all examples of the same Language. And indeed I think I may after all this safely challenge any man to shew me one instance, where the word *Bacar*, I do not speak because it is of the *masculine* gender, for notwithstanding that, its signification might be *Epicœne* in many cases, I say, I may, and do challenge any man to shew me one instance where it is not restrained to denote only the *Male kind*.

How unreasonable then must it needs appear, to Interpret it in this place of *Deut.* contrary to the whole Current of its acceptation in all the Bible besides. Especially if you consider that it has *ben* immediately joyned with it in the former verse, *ev ben en Lo. And he have no Son*, which word as I conceive, in the *singular* number is never so comprehensive as to denote both sexes, though in the *plurative* sometimes it may, as when they say *bnei Adam*, or *bnei Israel* the *Sons of Men*, or of *Israel*, it is in these instances comprehensive of both sexes, but in the *Singular* number I believe you will very rarely meet with it so, though two instances indeed I do now remember, as I am writing, but then the word is in *construction* with a case, it is not put alone as it is here. *God is not a Man that he should lye*,

lye, nor the Son of man that he should repent. And again, *what is Man that thou art mindful of him, or the Son of Man that thou so regardest him?* But this being not the case here, and it being so nearly placed to another word, which is never used but of the *Male Sex*, which two words do plainly refer to one another. *Habecor*, v. 6. being as much as *Ben habecor*, because the reason of the Womans Marriage to the Brother of the deceased was *chi ben een Lo*, because her former Husband had no *Son*. I think all this more than *one* demonstration that the *Male* is only to be understood in this place.

Thus have I done with my first argument taken from the signification of the word *First-born* in the Language of the Scripture, to prove that Mr. *Selden* and those *Hebrew Gentlemen*, whom he is pleased to follow, are mistaken when they interpret those words, *ov ben een Lo* (*and he have no Son*) indifferently to *either* Sex. I will now confirm what I have said by a second consideration which cannot be resisted, and which I have already mentioned in my discourse upon the former *medium*, and that is, that this Law was made in the Wilderness long before the delivery of that Law, *Num.* 27. of which I have already

ſpoken, by which Women were firſt made capable of Inheriting; if then Women could not Inherit when this Law was made, if the deſign of the Law was, *to raiſe up the name of the dead upon his Inheritance*: And if by that nothing elſe be meant but that the *vicarious* Offſpring ſhould Inherit in his Right and Title, then it is manifeſt that he who died leaving no *Male* Iſſue, though he had Female, had not yet made ſufficient proviſion for the *raiſing up his name upon his Inheritance*, or which is all one, for hindring his name from being *blotted* out of *Iſrael*, or being *done away* from his *Family* or from the *gate of his place*, therefore the reaſon of this Law ſtill remaining, (notwithſtanding the Female Iſſue) the relict of the deceaſed might ſtill demand his Brother or near Kinſman in Marriage for the aforeſaid end. And if the true and real Daughter of the deceaſed was not to Inherit, much leſs was the Firſt Child of the *Leviratical* or *Vicarious* Bed, if it proved a *Daughter* likewiſe, becauſe it could have no right but what it received from the adoptive Father, and he that gave no right of Inheritance to his *real*, muſt much leſs be ſuppoſed to have done it to his *imputative* Offſpring. It is true indeed that by the Law of *Num.* 27.

27. a *Daughter* was afterwards made capable of Inheriting, but in regard there were great inconveniences attending inherisons of this nature, the Estate by this means going out of the direct line into a collateral House of the same Family or Tribe, all which was directly contrary to one of the main designs running through the *whole tenor* of the *Jewish* Laws, which had so particular respect in many cases, to the preserving the Inheritance in the same House and Line, that I conceive the Daughter did never legally Inherit, but in one of the following cases.

First, If the Wife deceased before her Husband, who left only Female Issue behind him. Secondly, If at her Husbands decease she were past the years of Childbearing. Thirdly, If Marrying again in pursuance of the *Leviratical Sanction* she had no Issue, or none but Female, or if upon the refusal of the Kindred she Married into another House: In all these cases or the like, if any more can be thought of, the Female was to Inherit, and in none else as I conceive, because the Law in *Numbers* was not certainly intended to invalidate or weaken those other Laws, by which the continuance of the Inheritance in the same house, was so carefuly provided for.

Wherefore if they refused to Marry into their own Family or Tribe, they were in such case to leave the Inheritance behind them, and suffer it to go to the next of Kin, to whom upon their death without Issue it would have descended, *Joseph. L. 4 Antiq. c. 7.* Φησὶ, (ὁ Μωυσῆς) ἐν μὲν μάλλοντί τινι συνοικεῖν τῶν φυλετῶν, μετὰ τοῦ κλήρου πρὸς αὐτὸς ἀπεῖναι. Εἰ δ' ἐξ ἄλλης γαμοῖντο τοῖς φυλῆς τὸν κλήρον ἐν τῇ πατρῴᾳ φυλῇ καταλιπεῖν. καὶ τότε μένειν ἐκάστου τὸν κλῆρον ἐν τῇ φυλῇ διετάξατο.

For indeed all those Laws of settlement mentioned *Num.* 27. seem to me to be only an addition or an explanatory Act added to that of *Deut.* by which, as in the first place, there is no manner of care taken for the Inheritance of Daughters, so only the *Husbands Brother*, properly so called, is expressly there warranted to Marry his deceased Brothers Wife, whereas in the Law of *Num.* it is provided if a man had *no Brethren*, that the Inheritance should go to his *Fathers Brethren*, and for want of such to the *next of Kin* of the same Family; and the reason of the Brothers Marrying the Brothers Wife, in an imputative and adoptive way, being only for the preservation of the Inheritance in the same House or Line, it seems reasonable to believe, that all who had a *legal* right

right to the *Inheritance* had also the same right to Marry the *Widow* of the deceased, for though none were so much obliged to perform this part as the Brother himself, yet the Marriage of the Brothers Wife being death in other cases by the same Law, it is clear, it is a less dispensation, or a less violence done to the ordinary course of things, to suffer a *Kinsman farther off*, than an *immediate Brother* to Marry the relict of the deceased, notwithstanding he being most obliged, the first challenge was to be made to him, and there being somewhat of a priviledge in it, by Inheriting the double portion, he as the very next of Kin had the first right of refusal. From all which I conclude, that this was the true reason why the 70 make use of the word ἐγγίζων in the place of *Deut.* it self, to shew that this right was afterwards extended farther, than the words as they are set down in *Deuteronomy* may at first view seem to allow, and that it was in pursuance of this Law in *Deuter*: as it is explained and enlarged by that of *Numbers*, that the match between *Ruth* and *Boaz* was afterwards made.

But that I may not seem to oppose Mr. *Selden* and his *Rabbins* in every thing they say, as it were out of a Spirit of

contradiction, which no man is more naturally averse from than my self, being always a favourer of that side where I see the greatest appearance of truth. I will now acknowledge that in one thing they determine with great probability of reason, and that is, when they tell us that the Law of the *Leviratus* was to be understood only of the *Brothers Germans* or of the Kindred of the *Fathers side*, but that the *Maternal Consanguinity* was not at all concerned in it; the words of Mr. *Selden* are these, p. 100. *De fratribus autem uterinis Lex hæc non intelligenda est, sed tantum de Germanis, nam ut ad invicem minimè succedunt uterini, ita nec hac lege tenentur.* And of *Maimonides*, cited in the same place by Mr. *Selden*, *Achin Min Haeem eenan chasshoubin Achin*, &c. that is, *Brothers by the Mothers side are not* in the Interpretation of Law *looked upon as Brothers*, either with relation to the Inheritance, or to the Marriage of the deceased Brothers Wife, but they are as to both these matters, as if they were not Brothers at all, *neither is there any Brotherhood but what is from the same Father.* Which things are all clear and certain beyond all colourable ground of contradiction, for if the Inheritance descend

legally

legally from Father to Son, or Daughter, or in defect of such pass on to the collateral Relations obliquely ascending or descending on the Fathers side, then it is clear that they whose blood does not center in the same *Paternal* Consanguinity cannot have a Title to the same Inheritance; and the intention of Marryings of this nature, being to *raise up the name of the dead upon his Inheritance*, there is no reason why the Widow might not be at liberty to Marry whom she pleased to this end, if she might Marry him who had no relation to the Inheritance its self, which was the case of a *Brother by the Mothers side*. Again, upon supposition that the Brother of the deceased by the Mothers side did Marry this Widow, either this Marriage did bar the *paternal* Kindred from a legal Title or Claim to the Inheritance, or it did not; if it did not, then the design of this Marriage was in vain, for he would not *raise up the Name of the dead upon that Inheritance* which was not in his possession, and with which he had nothing to do; if he did, then the *Maternal* Kindred had a better Claim to the *Paternal* Inheritance, than those who were descended of, or were by Consanguinity related to the same Father, upon whose

Title

Title all other claims must depend, which is absurd, it being as much as to say, they had, and they had not a right at the same time; but then, if he could not bring the Inheritance along with him, it was unlawful for the Widow to Marry him at all, as appears by undeniable consequences from *Levit.* 18. 9. the deceased Husbands Brother Uterine, being considered as her own half Brother, which is the same thing as for a Brother to Marry his half Sister, which was forbidden by the Law.

Again, if none could Marry the Widow, for the purpose aforesaid, of hindering the name of the deceased from being *blotted out*, and of *raising up the name of the dead upon his Inheritance*, but he that had a right of redeeming the said Inheritance, and if none had a right of redeeming the inheritance but the Kindred descending from, or centring in the same *paternal Consanguinity*, then it is manifest that this Law could not be extended to the half Brother of the deceased by the Mothers side. But the connexion of these two is acknowledged by Mr. *Selden* himself when he gives this as a reason why the Brother of the deceased by the Mothers side could not Marry his Widow. *Nam ut ad invicem minime succedant uterini, ita nec hac lege*

tenentur

censentur. And *Maimonides* also acknowledgeth the same, by putting them both together, *Fratres uterini*, saith he, *non censentur pro fratribus, Lebinjan jerousbah, aut Lebinjan jibbum vechalitsa, vel in causâ hæreditatis, vel in levirato.* And though Mr. *Selden* and *Maimonides*, and a thousand more should not have granted this, yet the Scripture it self would sufficiently have proved it, for I have shewn *Levit.* 25. 48. 49. to belong as well to the redemption of Inheritances as persons, and in that place, we have these words: *After he is sold he may be redeemed again: one of his Brethren may redeem him. Either his Uncle or his Uncles Son may redeem him, or if he be able he may redeem himself*; where that only *Paternal* Kindred is to be meant, may be proved by undeniable arguments.

As for the signification of *Echad Meachau v.* 48. *unus ex fratribus ejus*, though nothing can certainly be inferred from it, if nothing else were to be considered, yet when in the next verse we are told that either *Dodo or ben Dodo* his *Uncle* or his *Uncles Son* may do the same, there are these two things to be observed; First, That *Dod* does properly signifie the *Uncle* by the *Fathers* side, not *Avunculus* but *Patruus*, and so the vulgar Latin renders it, the

70, ἀδελφὸς πατρὸς αὐτοῦ, and *ben Dodo* υἱὸς ἀδελφοῦ πατρὸς αὐτοῦ. And so also *Jerem.* 32. 7, 8, 9. neither do they render it in any place whatsoever of any but the Kindred of the *Fathers* side. Now if the *Uncle* and the *Uncles Son* must both of them be understood of the Fathers side, then it is but reasonable to conclude that the *Brother* also in the former verse, must be understood the same way. Secondly, or *any* that is *nigh of Kin* to him of his Family may redeem him. Here there are two things to be observed. First any that is nigh of Kin to him, Hebrew *Misheer Besaro*, 70 ἀπὸ τῶν οἰκείων τῶν σαρκῶν αὐτοῦ, *any of his near Flesh*, or *any of his own Flesh*, now the οἰκεῖα σάρξ, a *mans own Flesh*, is not that of his *Mother*, but his *Father* with whom his *Mother* by Marriage is made *one*, and his Family is looked upon as hers, and if after his decease she shall marry another, then that Child which she shall conceive and bear by the second Husband is not οἰκεῖα σάρξ to the *Son* or *Daughter* of the *First*, no more than her *second Husband* is, to whom she is now *united*, having forsaken her former Family, and is become *one Flesh* with *him*. Secondly, he was not only to be *near of Kin*, *i. e. of the same Flesh*, as both the Original and the 70 more exactly speak, but

but it is added likewise, *any that is nigh unto him of his Family may redeem him.* Now a man is of his *Fathers Family*, not his *Mothers*, who quits her *own Family* and her *Fathers house* by Marriage. It is plain therefore that none had a right of redemption, nor consequently of Marriage with the deceased, but only the Kindred of the deceased by the Fathers side. But this is not all, there was another reason as I have often said, of performing the Husbands part to the Widow of the deceased, besides the redemption of the Inheritance, and that was the *servitude* or *subjection* under which the *Younger* was in ancient time to the *Elder*; but this subjection began first in the same common Father, who had a despotical power over all his Sons, and under him the Eldest had a dominion over the rest, as representing the person and Inheriting the fortune of his Father, but now he that is born of a *distinct* Father, though of the *same* Mother, it is manifest he belongs to *another House*, and is to be looked upon as a subject of a *different Kingdom*; so that it cannot be in either respect, either with relation to the Inheritance of the deceased, or in regard of that Duty and Subjection which the Younger ows to the Elder, that the half

Brother

Brother by the Mothers side should raise up Seed to the deceased Brother; ὁ ἐν ἴδιν λίξαι.

But notwithstanding the plain evidence and down-right conclusiveness of what has been said, the speech of *Naomi* to her two Daughters in the story of *Ruth* seems at least to be a supposition of the legality of a contrary practice. *c.* 1. *v* 12, 13. *Turn again, my Daughters, go your way for I am too old to have a Husband, If I should say, I have hope, if I should have a Husband also to night and should also bear Sons, would you tarry for them till they were grown? would ye stay for them from having Husbands? nay, my Daughters, for it grieveth me much for your sakes, that the hand of the Lord is gone out against me.* This difficulty has very much baffled the endeavours of Learned Men. Mr. *Selden* upon this occasion hath these words, *Ruth* 1. 11. *Ubi* Naomi *ad nurus suas*, Orpha & Ruth, *viduas, nec prole beatas; An adhuc, inquit, intra me, in utero meo sunt filii, qui fiant mariti vestri? perinde ac si non solum ad fratrem uterinum sed etiam ad eum qui mortis fraternæ tempore, nondum in lucem fuerat editus (quod itidem uno ore negant Magistri) jus hoc spectasset, atqui non ex hujusce juris obtentu, sed ex ingenti erga Nurus amore a* Naomi *hoc dictum volunt, ac*

si

si tantum innuisset, tanta erga eas se amore flagrare, ut, si fieri posset, futuris, siqui sibi essent, filiis, eas in uxores traderet.

Mr. *Selden* in the same place takes notice of another opinion of *Solomon Jarchi*, but he seems to favour this more, as indeed it deserves, (*Jarchi's* opinion being founded upon a supposition that *Ruth* was not yet naturaliz'd which I have already * disproved) and he backs his own sentiments with the Authority of *Abenezra*, and might have done with that of *Joannes Drusius* too, *Quest. Hebra.* L. 3. *Quest.* 16.

* *And she is by* Eusebius *expressly call'd a proselite, Hist. Eccles. L. 1. c. 7. where speaking of the burning the records or Tables of Genealogy by Herod, he says,* ἀναγράπτων εἰς τόπον ἐν τοῖς ἀρχείοις ὄντων τῶν ἑβραϊκῶν γενῶν, καὶ τῶν ἀχρὶ προσηλύτων ἀναφερομένων, ὡς Ἀχιὼρ τοῦ Ἀμανίτου, καὶ Ῥοῦθ τῆς Μωαβίτιδος.

But neither is this so right as it should be, it not being likely that her love to her two Daughters in law should make her so far forget the Custom and Usage of her Country. Therefore let us try some other way, and see if that will succeed any better. *Are there any more Sons in my Womb that they should be your Husbands? I am too old to have a Husband, if I should say I have hope, if I should have an Husband also to Night, and should also bear Sons, would you tarry for them till they were grown? Would you stay for*

C

for them from having Husbands? Nay my Daughters: For it grieveth me for your sakes that the hand of the Lord is gone out against me; all which questions are nothing else but an enumeration of so many impossibilities, to make them despair the more, and to make them return back from whence they came. As when God asks *Abraham* whether he could count the *Stars*, or the *Sands of the Sea-shore*? It was not upon supposition that this was a possible thing, but to let him know that his seed should be as numberless as they, or when it is said, Can the *Blackmore change his Skin, or the Leopard his spots*? It is not that these things can be done, but to shew how hard and in a manner impossible it is for habitual wickedness to be reclaimed. And, *Where wast thou when I laid the foundations of the Earth? i.e.* thou wast not at all. So here, *Are there more Sons in my Womb?* is as much as positively to affirm there are not. Again, *that they may be your Husbands*, is as much as to say, and if there were, yet you could not marry them. But then again, *I am too old to have an Husband*: If I should marry it would be to no purpose for I should have no Children; again: *If I should have an Husband also to Night, and should also bear Sons*; nay, and put case it were lawful for you to

Marry

Marry them, which yet it would not be, *Would you tarry for them till they were grown? Would ye ſtay for them from having Husbands?* As much as to ſay, you would not, or it would be in vain if you ſhould: For you your ſelves would be paſt Childbearing by that time; and therefore ſhe adds preſently: *nay, my Daughters*, and then concludes, *the hand of the Lord is gone out againſt me*, as much as to ſay, it is impoſſible, talk no more, but leave me and go home again.

Againſt all that hath been ſaid, I know but two things remaining that deſerve an anſwer, the Firſt concerns the main queſtion, whether the marriage of *Boaz* and *Ruth* were celebrated in conſequence of that Law in *Deuteronomy*, by which the Brother was to raiſe up ſeed to his deceaſed Brother, and the Second that which hath been the particular ſubject of this laſt debate, whether in this Law the *Paternal Conſanguinity* were only to be conſidered.

Againſt the Firſt of theſe Mr. *Selden* Argues thus, *c.* 15. *de ſucceſſionibus*, *Nec ſane exutus hic* (*Ruth* 4. 7.) *Calceus ritus eſt, qui ad fratris nuptias attinere poteſt, nam is, ubi ad eas ſpectabat, renuntiationis dun taxat ſignum erat quod ſcimus ex Deuter.* 25. 9. *atqui hic nihil aliud innuit præter*

solennem quæ inoleverat traditionis seu acquirendi dominii formulam—neque nuptiarum renuntiatio sed contrà ipsæ nuptiæ sunt. The meaning of which, as plain as I can represent it, is this, *Deut.* 25. *v.* 7, 8, 9, 10. we have these words: *And if the man like not to take his Brothers Wife, then let his Brothers Wife go up to the Gate, unto the Elders, and say, My Husbands Brother refuseth to raise up unto his Brother a name in* Israel, *he will not perform the duty of my Husbands Brother; then the Elders of his City shall call him, and speak unto him, and if he stand to it and say, I like not to take her, then shall his Brothers Wife come unto him in the presence of the Elders, and loose his shoe from off his foot and spit in his face, and shall answer and say, so shall it be done unto the man, that will not build up his Brothers house, and his name shall be called in* Israel *the House of him that hath his shoe loosed.* Again *Ruth* 4. 7, 8, 9, 10, 11. it is said. *Now this was the manner in former time in* Israel, *concerning redeeming, and concerning changing, for to confirm all things: a man plucked off his shoe, and gave it to his neighbour: and this was a testimony in* Israel, *therefore the Kinsman said unto* Boaz, *buy it for thee: so he drew off his shoe. And* Boaz *said*

unto

unto the Elders and to all the People, ye are witnesses this Day, that I have bought all that was Elimelechs, *and all that was* Chilions *and* Mahlons *of the hand of* Naomi, *moreover* Ruth *the* Moabites, *the Wife of* Mahlon, *have I purchased to be my Wife, to raise up the name of the dead upon his Inheritance, that the name of the dead be not cut off from among his Brethren, and from the gate of his place: ye are witnesses this Day, and all the People that were in the gate, and the Elders said, we are witnesses.*

From these two places compared together Mr. *Selden* Argues thus: The pulling off the Shoe in the last cited place of *Ruth*, cannot belong to the Law of *Deuteronomy*, by which the Brother was obliged to raise up Seed to the Brother, because in *Deuteronomy* that ceremony signified as much as the Womans renouncing and disclaiming her pretensions to the Brother of her deceased Husband, but in *Ruth* it is nothing else but a solemn right of taking possession, or of acquiring a right or dominion in any thing or person, and that this was the usual *Formula traditionis seu acquirendi dominii*, he appeals to the Ancient *Medrash* upon *Ruth*, that is, he appeals to a *Rabbin*, or which is all one to a man that understands

derstands nothing of the *Jewish* Antiquities, For by Mr. *Seldens* favour, there is no manner of repugnancy or disagreement between these two places, that of *Deuteronomy*, I mean, and that of *Ruth*, only they are two partial or imperfect relations of the whole Ceremony or Formality of this affair. From the place of *Deuteronomy* we learn what the Woman was to do, in case the man refused to accept her challenge, she was to pull off his shoe and spit in his face; the latter of these in token of contempt, and as a mark of disgrace, the first for a reason which I shall presently explain; and on the other side, from the place of *Ruth* we are instructed, what the man was to do in case he did accept the claim and challenge of the Woman, he was to pull off his own shoe in the Face of the Congregation, and was with this Ceremony to redeem the Inheritance of his deceased Kinsman or Brother, and was to take her to his Wife, in the presence of them all.

V. Druf. in Lec.

Now we must know, that this pulling off the shoe in those Eastern Countries and early ages of the World, was an external Act or expression of divine Worship and Honor. So the *Angel* saith to *Moses*, *Exod.* 3. 5. *Draw not nigh hither, put off thy*

thy shoes from off thy Feet, for the place whereon thou standest is Holy ground. And so also, *Josh.* 5. 15. *The Captain of the Lords Host said unto* Joshua, *loose thy shoe from off thy Foot, for the place whereon thou standest is Holy*: This is the reason why the *Turks* at this day go barefoot into their *Moschs*, and that it was the custom and practice of the *Jews* at all their Feasts, we have the Testimony of *Juvenal* for it.

—Deinde adamas notissimus & Berenices
In Digito factus pretiosior, hunc dedit olim,
Barbarus incestæ dedit hunc Agrippa *sorori,*
Observant ubi festa mero pede sabbata Reges.

And the *Jews* being commanded to Eat the Passover with their shoes on, for expedition sake, that they might be in a readiness to march, and in remembrance of that hasty departure of their Fore-Fathers out of *Ægypt*, is a plain demonstration that they were used to sit down at all their other Feasts bare-foot or with their shoes off, otherwise that which was the common practice in all cases need not have been commanded in a particular instance. Wherefore the plain reason why the Woman in *Deuteronomy* pulled off the shoe of the refuser, whom she had challenged, but in vain, to continue the name and

memory of her deceased Husband upon his Inheritance, was, that by this *Symbol* she did appeal to God, and did call him to witness, that she had done, what as the servant or subject of her late Husband, whose Family she was bound to propagate to the utmost of her power, she was obliged to do; and she was supposed also by spitting in his Face at the same time, to imprecate those curses upon the refuser, which were the reward of disobedience to the Law of God, and were but due to him, if he had no tolerable excuse to plead for himself, who was so unkind to the memory of his deceased Brother: As on the other side when the man in *Ruth* pulls off his own Shoe himself, and delivers it to his Neighbour, that is, in this case to *Ruth* her self, this was an appeal to God or a publick owning in the presence of God and the World, that he did accept the challenge of the Woman, and did at that time solemnly engage before the whole assembly, to redeem the Inheritance, from passing into another Tribe or Family, or which is all one, to take the Woman to be his Wife, to raise up the name and memory of his deceased Brother upon his Inheritance, and therefore it is said *v.* 7. *A man plucked off his Shoe and gave it his Neighbour*,

hour, and this was a Teſtimony in Iſrael. And *v.* 9. Boaz *ſaid unto the Elders and to all the People, ye are Witneſſes this Day.* Which he repeats Again, *v.* 10. *Ye are Witneſſes this Day.* And then, *v.* 11. *All the People that were in the Gate, and the Elders, ſaid, we are Witneſſes.*

I do not deny what Mr. *Selden* ſaith, that this delivering of the ſhoe from one to another, was *traditionis ſeu acquirendi Dominii Formula*, the manner of *Livery* and *ſeiſin* in thoſe times; but I do not grant thus much becauſe his *Medraſh-monger* tells us ſo, but becauſe it is manifeſt from the plain words of Scripture *Ruth.* 4. 7. *Now this was the manner in former time in* Iſrael, *concerning redeeming and concerning changing, for to confirm all things: A man plucked off his ſhoe and gave it to his Neighbour, and this was a teſtimony in Iſrael:* but yet I ſay, that the true reaſon of this Ceremony, was to imply an appeal to God, to whom this right was uſed to be apply'd as an act of Divine Worſhip, and therefore the inſpired Writer tells us, it was *to confirm all things*, and it was *a teſtimony in* Iſrael, an Oath being the greateſt aſſurance and the moſt ſacred way of plighting our Troth and Faith to one another that any man can give.

Neither do I so wholly confine my self to this signification of pulling off the shoe, as to affirm it had no other; which I am so far from, that I conceive, Shoes being never used among the *Jews*, nor any of those *Eastern People*, when they were within doors, but only when they walked abroad; for this reason the pulling off the Shoe and giving it to another, was a *Symbolical* representation of the passing of the inheritance from one to another, as in this case when *Boaz* redeemed the inheritance of *Elimelech* at the hand of *Naomi*. And for this reason in all such sales and passings away of Lands, from one to another, the inheritance in the *Hebrew Idiom* was said to *rise* from the one to the other, as *Gen.* 23. 17, 18. *The field of* Ephron, *which was in* Machpelah, *which was before* Mamre, *the field and the cave which was therein, and all the trees that were in the Field, that were in all the borders round about, were made sure unto* Abraham *for a possession.* And *v.* 20. *the Field and the cave that is therein, were made sure unto* Abraham, &c. In the *Hebrew* it is in both places, *vaja-kom, it arose to* Abraham *for a possession*, and in the 70. *v.* 17. ἔστη, *it stood up*, and *v.* 20. ὑπῆρξεν, *it was appropriated*, which *arising* or *standing up*, or *removal* of the Possession from one

one Master to another, I conceive to have been *Symbolically* denoted, by this transferring or delivering of a Shoe, from one to another, and that not only, because the writer of the Book of *Ruth* tells us it was *the manner in former time in* Israel, which custom might well enough be derived down as far as from *Abraham*, but because the bargain there made, is done with the same publick solemnity in the presence of all the People the Sons of *Heth*, as here before all the Elders and Inhabitants of the City, *v.* 3. Abraham *stood up from before his dead, and spake unto the Sons of* Heth, *saying*, &c. And *v.* 5. *And the Children of* Heth *answered* Abraham *saying unto him, Hear us my Lord*, &c. and *v.* 7, 8. *And* Abraham *stood up and bowed himself to the People of the Land, even to the Children of* Heth, *and he communed with them, saying, if it be your mind, that I should bury my dead out of my sight, hear me and intreat for me to* Ephron *the Son of* Zohar. And *v.* 10 Ephron *the* Hittite *answered* Abraham, *in the audience of the Children of* Heth, *even of all that went in at the Gate of his City, saying*, &c. And *v.* 16. Abraham *weighed to* Ephron *the Silver which he had named in the audience of the Sons of* Heth, *before all that went in at the Gate of his City.* The

The reason why the Ancients were used to worship God with their Shoes off, was the same upon which all the Washings and Lustrations either of the *Levitical* or *Heathen* Worship depended, namely that it was the most cleanly and decent way of approaching the divine presence, the intention of Shoes or Sandals being nothing else, especially in those *Warm* and *Easterly* Climats, but only to defend those that wore them from the soil and dust of the way, when they walked abroad, or from the offensive sharpness of any stones or pebbles, or other inequalities that might annoy or hurt them in their passage, and therefore where the use of them, was not upon one of these two Accounts of absolute necessity, it was both more natural and more cleanly to go without them, & was as well as many other ceremonies then made use of in religious Worship, a *Symbolical* representation of that inward purity and innocence of mind, with which all men ought to approach the presence of God, and therefore it was laid down, as I remember, by *Proclus*, as a general rule in divine Worship, ἀνυπόδητος θύε καὶ προσκύνει. *Worship and do Sacrifice with your Shoes off.* And upon this Account it was, that the *Jews*, as I have said, in all their Feasts were used to celebrate them with their

their Shoes off, and the ſame may be ſaid without queſtion even of their common Meals which were all of them in the nature of a Feaſt upon a Sacrifice, as appears by this, that they were obliged during all the time of their ſojourning in the Wilderneſs, to bring all the *Animals* of what ſort ſoever, which were Killed for the common uſe of their Tables and daily repaſt, to be Killed at the door of the Tabernacle, that the blood might be poured out in behalf of the owners by way of expiation, and if afterwards by reaſon of the too great diſtance of the *Jews* from the Tabernacle or Temple, after they came to be ſettled in the Land of *Canaan*, they were not any longer obliged to this Service becauſe indeed it was impoſſible to be performed, yet notwithſtanding God did not by this depart from his right in the blood of all thoſe *Animals* that were ſlain for daily and common uſe, and therefore the blood was always prohibited to be eaten or drunk, becauſe it was of an expiatory nature, it was the *life of the Creature*, and therefore belonged to God, as being *given upon the Altar for an atonement for the Souls of men*.

Neither was it only among the *Jews* that all their Common Meals did likewiſe partake

take of the nature of a Sacrifice, from whence they have a saying *col shulchan chezeh bamibeach, every Table is as it were an Altar*, upon which the owners part of the Peace-Offering is eaten, but the same notion and custom is to be found in antiquity among the *Greeks* and *Romans* also, whence ἄβρωτα ἔδειν, *to eat of that of which no part had been Offered up in Sacrifice*, was to a *proverb* accounted a mark of the highest impiety and profaneness. This was the ground of that prohibition of the Counsel of *Jerusalem*, by which the *Idolothyta* were forbidden, it being then the common custom not only in the ἰδωλεῖα or *Heathen Temples* themselves, but also at home in their private Families and Houses, not to eat any thing, a part of which had not before hand been offered up in Sacrifice at the *Idol Temple*, which seems to be very plain as to the commonness of this practise, if not as to the universality of it, from 1 *Cor.* c. 10. *v.* 27, 28. *If any of them that believe not, bid you to a Feast, and you be disposed to go, whatsoever is set before you eat, asking no question for conscience sake, but if any man say unto you, this is offered up in Sacrifice unto Idols, eat not for his sake that shewed it, and for conscience sake.* Nay, so prevailing was this practice among the

v. Bochar. Hierozoic. ubi de agno paschali, & Cudworth in opusculo de cœnâ sacramentali.

the *Gentiles*, and so necessary a part of Religion was it accounted, that the Butchers and Victuallers of those times, do not seem usually to have exposed any flesh to sale, of which some part had not before hand been sacrificed, to consecrate and sanctifie the rest, for what else can be the meaning of that other expression of St. *Paul* in the same Chapter, speaking all the while expressly of the *Idolothyta*, or things offered up in sacrifice to Idols, *whatsoever is sold in the shambles that eat, asking no question for conscience sake.* And how long this practice continued in the World, we may learn, from the *Capitulars* of *Charlemaigne* and *Lewis*, where there is an express decree or Law against it. *L. 5. Num. 68. de his qui convivio solo gentilium & escis immolatitiis usi sunt*, and then follows the *Capitular* it self, the beginning of which is in these words. *Qui convivia solo gentilium & escis immolatitiis usi sunt, post sunt jejuniis & crebris manuum impositionibus purgari: ut deinceps ab Idolothytis abstinentes, sacramentorum Christi possint esse Participes*, &c. And several other instances there are to be met with in the same *Capitulars* of *Pagan* superstition remaining in those times, of which I may speak more in another place.

Lindenbrog. cod. LL. Antiq. p. 918.

But

But this is enough to shew, that as well common Meals, as other more solemn and sacred entertainments, were accounted both among the *Jews* and *Heathens* to be so many several Feasts upon a sacrifice, and it having been proved already, that no Feast among the *Jews*, the Passover only excepted, could be eaten with the Shoes on, and that no Act of divine Worship among them, could be performed but with the Feet uncovered, it would follow plainly that in all their common Meals they were used to pull off their Shoes, though no particular Authority could be produced, where this was expressly asserted, but our *Saviour's* last supper with his *Disciples*, which I have demonstrated elsewhere, not to have been the legal Passover, but the day before it, is a demonstration what the custom was at all the *Jewish* Meals; our *Saviour's* washing the Feet of the Disciples, as they sat at Supper, being a certain and undoubted argument that they sate barefooted at that time, and this supper, though celebrated upon a solemn occasion, being a complication of the *Jewish* and the *Christian* Passover together, yet not being kept upon the solemn or stated time, it is demonstrable that there was no *Pascal* Lamb at that time Eaten, and it is said expressly that they

they did not ſtand but ſit at Supper, which not being obſerved with the uſual rites, it is probable, that otherwiſe than in its tendency and deſign, and bateing that the bleſſed ſacrement was given at the end of it, as the *Mnemoneutical* Paſſover was uſed to be by the *Jews*, it had nothing extraordinary in it, nor any thing which was not common to all other Meals among the *Jews*, ſo that if the Feet of the company were bare at this, it is the more likely that they were ſo at all other times wherever they ſat down to Table.

And indeed if we examine, the manner and ceremony of our *Saviour's* laſt ſupper, and compare it with the *Roman* Antiquities in like caſes, we ſhall find, as to many particulars a perfect agreement between them; for firſt as to the place, it was ἀνάγαιον μέγα ἐστρωμένον *a large upper Room ſpread with carpets*, as the *Roman* Faſhion was, and that the upper Rooms in their Houſes, were anciently the only places of entertainment and repaſt, appears by the very word *cœnaculum*, which from this cuſtom came to ſignifie the upper Room or Garret of an Houſe, and the true reaſon why they did eat their Meals in that part of the Houſe, was the ſame as I believe, for which the *Apoſtles* and the *primitive Chriſtians* were uſed

used to meet in the ὑπερῶα or *upper part of the House*, because every Table, as I have said, was an Altar, and every Meal a Sacrifice, and the upper Chamber, as being farthest from noise, and the nighest unto Heaven, the supposed peculiar residence of that *Numen* who is indeed omnipresent and whose divine substance is actually co-extended to all the possibilities of extension or place, (for the First of which reasons he is called by the *Hebrew* Masters *shamajim* and for the Second *Makom*,) I say, the upper Chamber was for this reason accounted more sacred than the rest, and set apart for all religious Offices, as the *Chappel* or *Oratory* of every particular House.

Secondly, that the manner of the Disciples sitting at Table was after the *Roman* mode of the *Triclinium* appears by *John's* leaning on the bosom or breast of *Jesus*, as they sat at supper. *Joh.* 13. 23. 25.

Lastly, as for what hath been said of the Disciples sitting bare-foot at supper, this was also without question the fashion of the *Romans*, for so *Plutarch* observes of *Cato*, πολλάκις δ' ἀυπόδητος καὶ ἀχίτων εἰς τὸ δημόσιον προσῄει μετ' ἄριστον, *He was used often times after dinner to go abroad without his upper Garment and Shoes*, which is as much as to say, that he went abroad as he

he roſe from Table or from Dinner, where he ſat according to the faſhion of thoſe times with his Coat off, as well as his Shoes, but there is a paſſage of *Martial*, *L.* 12. *Epigr*: ſtill more remarkable to this purpoſe, where *Cotta* a fellow that was uſed to ſpunge about for a ſupper, wherever he could hear of any Belly-timber to be had, and having loſt his Shoes twice by pulling them off before he ſat down, as the cuſtom was, at laſt out of a principle of Frugality, that he might loſe no more, he uſed to go thither bare-foot, as well as ſit down ſo at Table, *excalceatus ire cæpit ad cœnam*. Neither was it accounted abſurd at all, or unſeemly in thoſe times, to go bare-foot even publickly and in the ſtreets themſelves. For *Clemens Alexandrinus* lays it down as a rule to be obſerved at all times, ἀνδρὶ δὲ εὖ μάλα ἁρμόδιον ἀνυποδησία πλὴν εἰ μὴ στρατευοίτο, *it is always fitteſt for a man to goe bare-foot, unleſs it be for Souldiers in their march or being engaged in military expeditions*. And *Suetonius* obſerves of *Nero*, that in the progreſs which he made into *Achaia*, he never appeared in publick, but his feet were always bare, in imitation of that frugality and ſimplicity of the firſt mortals which *Nero* as bad a man as he was, did at that time in his

Pædag. L. 2. *c.* 11.

used to meet in the ὑπερῶα or *upper part of the House*, because every Table, as I have said, was an Altar, and every Meal a Sacrifice, and the upper Chamber, as being farthest from noise, and the nighest unto Heaven, the supposed peculiar residence of that *Numen* who is indeed omnipresent and whose divine substance is actually co-extended to all the possibilities of extension or place, (for the First of which reasons he is called by the *Hebrew* Masters *shamajim* and for the Second *Makom*,) I say, the upper Chamber was for this reason accounted more sacred than the rest, and set apart for all religious Offices, as the *Chappel* or *Oratory* of every particular House.

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he rose from Table or from Dinner, where he sat according to the fashion of those times with his Coat off, as well as his Shoes, but there is a passage of *Martial*, *L.* 12. *Epigr*: still more remarkable to this purpose, where *Cotta* a fellow that was used to spunge about for a supper, wherever he could hear of any Belly-timber to be had, and having lost his Shoes twice by pulling them off before he sat down, as the custom was, at last out of a principle of Frugality, that he might lose no more, he used to go thither bare-foot, as well as sit down so at Table, *excalceatus ire cæpit ad cœnam*. Neither was it accounted absurd at all, or unseemly in those times, to go bare-foot even publickly and in the streets themselves. For *Clemens Alexandrinus* lays it down as a rule to be observed at all times, ἀνδρὶ δὲ εὖ μάλα ἁρμόδιον ἀνυποδησία πλὴν εἰ μὴ στρατεύοιτο, *it is always fittest for a man to goe bare-foot, unless it be for Souldiers in their march or being engaged in military expeditions*. And *Suetonius* observes of *Nero*, that in the progress which he made into *Achaia*, he never appeared in publick, but his feet were always bare, in imitation of that frugality and simplicity of the first mortals which *Nero* as bad a man as he was, did at that time in his

Pædag. L. 2. *c.* 11.

Garb and Habit very much affect, who were used so to do the same; the words of *Suetonius* are these, *Circa cultum habitumque adeo pudendus, ut comam semper in gradus formatam, peregrinatione Achaicâ etiam ponè verticem summiserit: ac plerumq; Synthesinum indutus ligato circum collum sudario prodierit in publicum, sine cinctu, & discalceatus*, and the same may be seen in all the statues of the *Roman* Emperors and others, when they are not represented in a military posture, who, if my memory do not very much deceive me, in most, if not all the cuts that ever I have seen, are ever represented with their Leggs and Feet bare, but whatever they did without doors this is certain that when they came home or went any where else, to any House or apartment of another, they were used to leave their Shoes or Sandals below stairs or without the Room into which they then entered, as the *Turks* and other *Eastern Nations* do at this day, which being bound over their Feet by a thong of Leather, or other band or string, it was the business of their attendants, that waited upon them whither they went, to untie them when they came in, which explains that saying of *John* the *Baptist*, which is not yet perhaps sufficiently understood,

c. 15. *Neronc.*

Mark

Mark 1.7. *there cometh one mightier than I after me, the latchet of whose Shoes, I am not worthy to stoop down and unloose.* Λῦσαι ἱμάντα τῶν ὑποδημάτων αὐτοῦ. or as it is *Matth.* 3.11. οὐκ εἰμὶ ἱκανὸς τὰ ὑποδήματα βαστάσαι, *whose Shoes I am not worthy to bear*, because when the way was clean and smooth, the servant was used to carry his Masters Shoes or Cloggs behind him.

From what hath been said there, are several things very fit to be observed, and first I desire that this agreement betwixt the *Jews* and *Romans*, as to the ceremony and formality of their Feasts, and indeed of all their Meals, may not be passed over without all manner of regard, because in some short notes, which I intend to add at the end of this discourse, I shall give some other instances of a manifest agreement, and such as cannot seem to have come by chance betwixt the two Nations, and because in that other dissertation which I have promised concerning the *Lawfulness* or rather *Unlawfulness* of the *Marriage of Cousin Germans*, I shall give almost innumerable instances of this agreement, *and the use* I intend to make of it is this:

If it can be proved that the *Romans*, both by their Language and their customs, are manifestly no other than a *colony*

from the *East*, if their first Lawgivers were either *Jews* or at least *Assyrians*, in that Latitude of the word in which Mr. *Selden* takes it in the *Prolegomena* to the best Book that ever he writ, if their *Priests* and their *Sacrifices* both name and thing were most of them, as I shall prove they were, *pure Hebrew*; if after this it can be proved that the *matrimonial prohibitions* among the ancient *Jews* and *Romans*, in all other instances were exactly the same, and if it can likewise be proved, as it shall beyond all possibility or colour of contradiction, that the *Marriage of Cousin Germans*, was absolutely forbidden by the ancient Laws and usages of *Rome*, then certainly all this if it will not serve to demonstrate, that the same prohibition obtained among the *Jews*, yet it will add an invincible force and strength to all those arguments, which are a great many, by which the Unlawfulness of such Marriages shall be proved either out of the Law it self, or out of such other Antiquity, as I shall undeniably demonstrate, to be transcribed from it, and then I hope it will be granted that the *Act of Parliament* it self, which does expressly proceed upon the *Levitical* measures, and does as plainly pronounce all those degrees to be Unlawful, which

De Diis Syrit.

32 *H.* 8. *c.* 38.

which are included within the *Moſaical* prohibitions, does by ſo doing condemn the Marriage of *Couſin Germans* as inceſtuous and Unlawful, which beſides the Natural and formal Unlawfulneſs of ſuch Marriages in themſelves,, which ſhall be abundantly manifeſted and made out, is all the ſatisfaction as to this point, which the *Lawyers* themſelves can deſire.

The Second thing to be obſerved, or rather again to be reflected upon and appli'd to the matter in queſtion, from what hath been diſcourſed above, is that the pulling off the Shoe or the ſtanding or ſitting barefoot in the Eaſtern Countries, was, as it is ſtill, a poſture of adoration or a poſture uſed in divine Worſhip; and I appeal to any man, let him be who he will that will but lay aſide prejudice, and give an equal Judgment between Mr. *Selden* and me, whether this notion does not perfectly reconcile and explain the pretended diſagreement betwixt the two writers of *Deuteronomy* and *Ruth*, and remove all further occaſion or pretence of ſcruple, whether the Marriage of *Boaz* to *Ruth*, were in conſequence and purſuance of that Law of *Moſes* by which the Brother was obliged to raiſe up Seed to the Brother.

Thirdly and Laſtly, it is again to be taken notice, that neither of thoſe two places are a perfect and compleat account of the whole ceremony or formality of this matter, but that the defects of the one are to be ſupplyed out of the other, and if it be true what the Writer of the Book of *Ruth* does expreſly affirm, that *this was the manner in former time in* Iſrael, *concerning redeeming and concerning changing, for to confirm all things, a man plucked off his Shoe, and gave it to his neighbour, and this was a teſtimony in* Iſrael; then if the Marriage of the Brother to the Brothers Wife, were for the redemption of the Inheritance, as it is certain it was, if this were as real a *changing*, that is, as real a bargain or contract as any other; if it were done as publickly and ſolemnly in the face of the whole Congregation, as in this contract betwixt *Ruth* and *Boaz*, which it is certain it was from *Deut.* 25. *v.* 8, 9, then it is plain that it required alſo the uſual way of confirmation, which *this Author* tells us to have been the practice of *former times for a teſtimony in* Iſrael, which is an undeniable and unanſwerable demonſtration of the agreement of this place of *Ruth*, with that of *Deuteronomy* in the Law of *Moſes*.

Hebr. Temourah; 70. ἀντάλλαγμα.

Again

Again when the ſame Writer tells us that this was the practice In *former time in* Iſrael, this is a plain intimation that at that time when this Book was written it was diſuſed, and that this Book was at leaſt written ſome time before the Captivity of *Babylon*, appears from the untainted *Hebraiſm* of its ſtile, which after that, began to degenerate into *Chalday*, as appears by the Books of *Daniel* and *Eſther* which were written in that period, and alſo from thoſe of *Ezrah* and *Nehemiah* immediately after it.

It is certain that at this day the *Jews* do not put in practice that their ancient cuſtom of the Brothers raiſing up Seed to the deceaſed Brother, nay, they expreſly forbid it under pain of Excommunication, as *P. Fagius* tells us upon *Deut.* 25. 9. *Anathemate quoque hodiè illorum Rabbini caverunt ne quis ducat uxorem defuncti fratris ſui, imò ipſa pecuniam dare cogitur fratri defuncti mariti ut eam liberam dimittat*, and Mr. *Selden* tells us out of *R. Leo Mutinenſis*. *Judæis recentioribus mos inolevit, ut, cùm filiam quis ſponderit viro, cui plures fratres, ab ipſis cunctis plerumque exigatur obligatio, ſe juri huic, ſi ſponſus, uxore ſuperſtite, obierit, ſolenni more renuntiaturos, (id quod ex lege ſacrâ fas eſt) nè ſcilicet libera ſecundò nubendi* c. 14. *De ſucceſſionibus ad Fin. cap.*

facultas fratriæ deesset & interdum maritus moribundus divortii libello Matrimonium solvit, nè frater inhians fratriæ doti, ex hoc jure familiæ damno fiet. And the same *Fagius* tells us in his Notes upon the *6th* verse of the same Chapter of *Deuteronomy*, that this usage hath ceased among the *Jews* ever since the *Babylonish* Captivity, *Erant* saith he, *distinctæ possessiones ante* Babylonicam *Captivitatem; quæ sic discretæ per hanc legem servabantur, post* Babylonicam *Captivitatem hæc lex abolita fuit. Causa enim illius, nempe possessionum distinctio, non superfuit.* And I allow his reason to be excellently good, but yet by his favour and with the good leave of the *Rabbins* whom he follows, I affirm that this Law was antiquated and out of date, long before this time. The general reason of my Judgment in this particular I have given already, because that Book which appears to have been written before that Captivity, though we know not how long, speaks of some part at least of the Ceremony belonging to this Law or custom of the *Jews*, as already antiquated and out of use. *This was the manner in former time*, saith he, *in* Israel; which is as much as to say, that then when this Book was written that custom had expired.

v. etiam Buxtorf. Synag. Judaic. c. 30.

v. plura. ib.

But

But if you will needs have a particular time assigned, when this practice began to be disused, tho I am not obliged to give any more than a general proof that it was *de facto* so, that this usage did really expire some time before the Captivity, yet that I may not seem to balk any difficulty, and that I may the more effectually demonstrate the Ignorance of the *Rabbins*, and their adherents, which it is my design to expose, that no man may be deceived hereafter with hard names and *Hebrew* Roots, and that no mans pride, or vanity, or laborious folly may hereafter be miscalled by the deservedly venerable and sacred name of Learning, I will therefore instance in a particular time when I believe this custom to have ceased, and when I have given the reasons of my opinion, I will then submit it to the publick Judgment whether the *Rabbins* or I be in the right.

The time which I shall pitch upon, shall be that of the division of *Israel* and *Judah* into two Kingdoms by the policy and seditious practices of *Jeroboam*, at which time it is expressly said that he expelled all the *Levites* out of his dominions, in which there being forty *Levitical* Citys, four in each Tribe, these two Num. 35.

things

things do naturally and unavoidably follow.

First, That the *Levites* being driven out of all their Cities, belonging to the Ten Tribes, over which *Jereboam* ruled, it was impoſſible that the *Levitical* Cities which remained in the other Tribes of *Benjamin* and *Judah*, together with the half Tribe of *Manaſſeh*, which is to be taken into this account, ſhould hold them all, together with their Wives, Children, Servants, Goods and Cattel, wherefore it was neceſſary they ſhould be allow'd to ſhift for themſelves, and to ſettle up and down in common with the other *Jews*, living by their Labour, and enjoying Land of Inheritance, if by their induſtry they could get it, as well as others.

And as their flocking in ſuch numbers into the Territory of the King of *Judah*, muſt needs make the alteration I have mentioned in thoſe places whether they repaired, ſo if you conſider the Cities which they left, together with the Suburbs or *Pomœria* belonging to them, theſe Cities being all of them filled upon the baniſhment of the old Proprietors, by new Inhabitants, this makes a new and a very great alteration in the old partition or diſtribution of Lands which was ſetled by *Moſes* and *Joſhua* at

at the first arrival of their Fathers out of *Ægypt*.

But you will say perhaps, that these Cities were bestowed upon *Jeroboam's new Priests*, whom he set up in their stead, of the *meanest of the people*; to which it may be answered,

First, That this being only said not proved a bare denyal is a sufficient answer to a bare affirmation.

2. Since *Jeroboam* established not only a *new Priest-hood* but a *new Worship* too, erecting his Golden Calves in *Dan* and *Bethel*, it is more likely that his *new Priests* and his *new Altars* went together, and that *Dan* and *Bethel* were the only places, where this *Lay Priesthood*, and *Mongrel Clergy* resided.

Thirdly, The reason why this new establishment was made being expresly assigned, 1 *Kings* 12.27. *If this people go up to do Sacrifice in the House of the Lord at* Jerusalem, *then shall the heart of this people turn again unto their Lord, even unto* Rehoboam *King of* Judah. And then it follows, *v.* 28, 29. *Wherepon the King took counsel and made two Calves of Gold, and said unto them, it is too much for you to go up to* Jerusalem: *Behold thy Gods, O* Israel, *which brought thee up out of the Land of* Ægypt, *and he set the one in* Bethel *and the other in* Dan.

Now

Now the motive which induced him to make this alteration, being so expressly set down viz. *lest the heart of this people turn again unto their Lord*; and it being certain, which was the fundamental Maxime upon which *Jeroboam* proceeded, that an union in the manners and customs of any nation with another, does also produce an union of heart and mind into the bargain; and it being equally certain by experience that this is much more true in all kind of religious observances and rites, than in any other, that an uniformity in divine Worship, does naturally produce a strange and admirable sympathy of will and affection in men to one another; and the contrary to this, a diversity in the outward modes and formalities of Divine Service, if obstinately adhered to and affectedly embraced and hugg'd by the several parties, produceth as strange and unaccountable an enmity betwixt them; it was for the interest of *Jeroboam*, whose design was to make the hatred of the two people of *Israel* and *Judah*, as mortal and inveterate as he could; it was but a consequence of that fundamental reason upon which he proceeded, to alter the old establishment of the *Mosaick* or *Levitical* Kingdom, as I may so call it, as

as much as ever he either could or durſt that ſo the greatneſs of their diſagreement as to the cuſtoms or conſtitutions of this divided people, might produce the greater hatred and averſion in them both for one another; which was the very thing he intended, and which it was ſo highly and ſo manifeſtly his intereſt to promote by all the contrivances and all the ſtratagems that either wit or malice could deviſe.

Fourthly, It would be much more for the advantage of ſuch an uſurper to divide thoſe Cities among the common people, as a common prey, to unite them to one another, and to himſelf, and againſt his Enemies, by a common band of mutual and reciprocal intereſt among them all, which is found by experience to be the ſtrongeſt and the moſt laſting engagement of affection, than by ſetting up a new order of men that had no legal right to what they enjoyed, and ſeparating them after the *Levitical* manner from the reſt of the People, to raiſe the hatred and envy of the commonalty againſt them both, the King and his new Prieſts together.

And as it has been the practice of this and other ages, as well as of that of *Jeroboam*, to lay the foundation of civil alterations

terations in some either real or pretended scruples of Religion, so when those scruples had taken their effect, and had subverted the goodly frame of Government and the peaceable dependance of the several parts of a wise and beautiful establishment upon each other, then to secure themselves in that Dominion which they had Usurped, it was the policy of the leading Rebels to throw the *Kings* and *Churches* Lands, as a spoil among the people, the better to engage them in *interest* to stand by their new Masters, to which no principle of *Duty* could oblige them.

But Fifthly, If he would not suffer the people to scramble for the spoil, yet still there was a better way than to give it to the Priests, and that was to turn all these *Levitical* Cities, into so many Garrison Towns, or Nurseries for Souldiers, and military men to keep his Subjects in awe and serve him in his forreign Wars, and it is the more likely that he took this or some such course; because no Usurpation can be long maintained without a standing Army, whereas a rightful Authority is a thing to which all men have a reverence, because it is a part of that regular and wholesome justice by which every man is secure in the enjoyment of his own

own, it is a thing againſt which no man can have a juſt pretence, and which none but neceſſitous or deſperate perſons, whoſe ruine is uſually owing to their vices, can have any real intereſt to oppoſe.

Or Sixthly, If he did not take any of theſe courſes, yet he might have farmed out theſe *Levitical* Cities and their dependancies at an eaſie and under rate, by which he would have been ſure to oblige many thouſands of his ſubjects, and would have filled his Coffers into the bargain, which would upon both accounts have been a very great and conſiderable acceſſion of ſtrength and power to himſelf. They might have held their Lands by Knights Service, as hath been the practice formerly in *England*, and as the *Timariots* in *Turky* do at this time.

Seventhly, In the 2 *Chron.* 13. 9. *Abijah* the King of *Judah*, ſon to *Reboboam*, in whoſe time the diviſion of the two Kingdoms happened, thus expoſtulates with *Jeroboam* the King of *Iſrael*, by whoſe *faithleſs* and *rebellious* practices that diviſion was occaſioned. *Have ye not caſt out the Prieſts of the Lord the Sons of* Aaron, *and the* Levites, *and have made you Prieſts after the manner of the nations of other Lands?* In which words it is plain not

not only that the *Priests of the Lord the Sons of* Aaron were cast out, but that they are perfectly opposed to the *Priests of* Jeroboam, not only as a *new* Priesthood, but as a Priesthood after *another manner*; and what manner was that? why, it was *the manner of the nations of other Lands*, which could not be after the *Levitical* platform, because the *Levites* were set apart from the rest of the Tribes, and the *First-born* of the Children of *Israel*, whose persons they did by this their separation sustain, were consecrated and set apart from the rest of their Families, for a particular reason in which the *Jews* themselves, and no other nation under Heaven but themselves, were concerned.

But in the Eighth place, *Abijah* goes on, and does not only tell us in the words already produced, that the Priesthood of *Jeroboam* was after a *distinct manner* from that of the *Levites*, but in the very next words he immediately acquaints us *what* that manner was, *so that*, saith he, *Whosoever cometh to consecrate himself with a Young Bullock and seven Rams, the same may be a Priest of them that are no Gods.* It seems therefore that it was at every mans pleasure to be a Priest or no Priest, as he pleased himself, a lively picture of

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our late confusions, when the *Sons of* Aaron and the *Levites* were discarded, and instead of them Coblers and Weavers consecrated themselves to the Office of the Priesthood, and it was a sufficient call to the Ministry, for a Mechanick to be lazy or not to thrive upon his Handicraft Trade.

The consequence of which is, that there being no regular Priesthood, but every man being a Priest or no Priest, as he pleased himself, there could be no regular maintenance neither. And indeed what can be more unreasonable than to suppose, that there being such a maintenance, setled for the Priesthood in general, without regard to the persons either as to their quality or number, as fast as any man grew lazy, or discontented, or infirm and unfit for business, or opiniona-tive of himself, and his qualifications for the Priesthood, he should be admitted not only into the number of the Priests, but at his own pleasure invest himself in a right of feeding upon the sacrifices and enjoying all the benefits and emoluments of the Priestly-Office; how must the Clergy needs swarm at this rate with a pack of lewd, scandalous, and lazy fellows, or who that had not a prospect of very fair advantages, would be at any pains or trou-

ble to get his living, when such encouragements were proposed to Idleness and Sloth? Or what maintenance indeed would be sufficient, for such an incredible swarm of sluggards and slow Bellies, the Pest and publick Nusance of that miserable state, that is So unhappy as to give them entertainment? so that this it self would have altered the *Levitical* constitution, without any more adoe, because though the *Ecclesiastical* Revenues and *Demesnes* had been converted by *Jeroboam* to the use of his new Priests, yet they would not have sufficed; so that all things lying in this confusion, and the regular constitution of the Priesthood being destroyed, which is the only peaceable expedient in all nations to keep the people in Obedience, it was necessary, as hath been said, that the Kingdom of *Israel* should be governed by a *standing Army*, this being the only way left, when the several parts of the Government are not so regularly built, as to be able to support themselves, to preserve the publick peace: And it appears plainly, that this was the very case, by the several changes that were made in the Kingdom of *Israel*, which did not continue long in the Family of *Jeroboam*, but suffered many alterations and remove-

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als out of one Family into another, which is the usual inconvenience of such a standing force, as may be seen sufficiently in the History of the late times; when the Army without any other warranty than that of the Sword, murthered Kings, dissolved Parliaments, set up and deposed Protectours, as they called them, at their pleasure. And besides the late revolutions in the *Muscovian* Empire, and some few instances in the *Turkish* story, though a people that take a pride in being Slaves, and seem to be born for nothing so much as to obey, the *Roman* History, whether you consider the horrid Butcheries of *Marius* and *Sulla*, or after them of, *Cæsar* and *Pompey*, before the Empire began, or in the *Monarchy* it self, the story of *Otho*, *Galba*, *Vitellius* and *Vespasian*, all of them Emperors, and the three first sacrifices to their own ambition and to the power of their Enemies, within little more than the compass of one single year. Or if you look still lower into the Reigns and Deaths of those Emperors that succeeded the first Twelve, you shall find almost all of them the creatures of military Tumult and Sedition, made what they were by the sole Power and Authority of the Sword, and cloathed with the Robes of Majesty

and all the habiliments of Imperial greatneſs, only to adorn the tragical Scene of blood that was to follow, and to make them the more pompous and magnificent ſacrifice to the luſt and ambition of thoſe that ſet them up.

Which things, by the way, if the diſſenters from our Church would ſeriouſly conſider, if they would reflect how impoſſible it is, but a toleration of every mans fancy and opinion in Religious Worſhip, and of his outward practice and behaviour in conſequence of that inward fancy and preconceived opinion, muſt of neceſſity produce a *Babel* of diſagreeing Sects and Parties which can no otherwiſe be kept in awe, but by a ſtanding Army. If they would remember the perpetual taxations & arbitrary preſſures to which this way of Government did ſo long expoſe either themſelves or their Fathers; if they would think a little with themſelves to what uncertainty and hazard, the eſtates, the perſons and the lives of men are expoſed by ſuch a military conſtitution, where Power, and not Juſtice, gives ſentence at the Bar, and executes that arbitrary ſentence at the Scaffold; if they would recollect a little with themſelves, that Bloody, rapacious, and arbitrary ſtory of the

the late Wicked and Rebellious times, which they will not endure to hear from others; if they could Summ up, what ſcarce any numbers are capable of reaching, the infinite bleſſings of ſecurity and peace, the infinite miſchiefs, cruelties, and devaſtations of War; If they would revolve over again within themſelves the fatal and frequent revolutions of the late giddy and ſlippery uſurpation, which not being ſupported, as it could not be, by a ſtable principle of Duty, and Religion, was toſſed to and fro, and ſtaggered like a drunken man with every new Wind of Ambition, Enthuſiaſm, or deſign, of private revenge or popular diſcontent; if they would but ſuffer themſelves to diſcern, what is very clear from the nature of the thing, which is the meaſure upon which wiſe men proceed, and from the experience of former times, which the *proverb* tells us is *the Miſtreſs of Fools*, that ſuch an unbounded liberty, as a publick toleration of all parties and opinions amounts to, cannot otherwiſe be hindred from having all the ill effects of a perpetual confuſion without a ſtanding force, to curb the inſolence of the contending parties, and hinder them from preying upon one another? If the ſame experience of

our late troubles be sufficient to instruct us that even this expedient will not do, but that the plague of division and *sectarian* animosity will creep out of the City into the Camp, and will rage there so much the more strongly as a malignant Feaver does in a robust and firm, than in a less masculine or vigorous constitution? If they could but perswade themselves to believe, so easie a proposition as this, that one good King, is better than Ten thousand cruel, avaritious and mercenary Tyrants; that it is better to have liberty and peace for nothing than to pay Sixty or an Hundred Thousand Pounds a Month for being slaves and vassals to the meanest of the people, the very offscowring and refuse of mankind. Certainly who ever will give himself the leisure to consider of these things, or will but have the patience to hear them, when they are told him by another, must unavoidably conclude, that one of these four things are true; either peace and happiness, are things perfectly unlawful in themselves, and mankind is under a perfect obligation to be at perpetual strife and variance with each other, which is not only a very strange Doctrine, but I am confident in the midst of all that infinite variety of opi-

opinions and factions, with which the last Age was infested, a very new one too; or else in the second place he must be forced to say, that the terms of Unity that are established by Law, are in themselves unlawful to be submitted to: Or else thirdly that the use of the only lawful and absolutely necessary means in order to a Lawful end, are in themselves Unlawful; or else lastly, he will find himself obliged to submit to the present establishment of the Church of *England*, which by the acknowledgment of most of the dissenters themselves, enjoyes nothing at all but what would in it self be Lawful if it were not imposed: And if the imposition makes it Unlawful, it is only for this reason because peace and happiness are so too, for so long as men are so subject as they are to fall out, about very small matters; so long as there are and will always be, so many whose consciences are tender to a disease, and so many that have no sence of tenderness or of conscience at all; so long as it is natural for the pretences of the one to become the scruples and grievances of the other, which they always will, wherever liberty and toleration is permitted; it will be impossible to keep the world, in any condition that hath the face of quietness or peace,

without a publick rule of discipline and obedience which shall be the square and measure of every mans external behaviour in Religious matters.

But this is only by the by, for I do not design in this place to enter the lists with any of our dissenting Brethren, to whom ere it be long, I shall give another opportunity, if they shall think it for the credit of their party or themselves to embrace it, to stand up in defence of a no less foolish than wicked separation; And so I return to the story of *Jeroboam*, which gave the occasion to this short excursion, and I affirm that it would have been morally impossible so many revolutions, and changes should have happened, as there did, in the *Israelitish* Kingdom, in so short a time, which was transferred so frequently from one person and family to another, but by the means of a standing Army, which though for the time it be the natural instrument of a great and uncontrouleable power, yet without a miracle of prudence in those that are to govern, and of submission and good temper in those that are to obey, it cannot be the expedient of a safe and a lasting soveraignty over men.

It is true indeed that God told *Jeroboam* by the mouth of *Ahijah* the Prophet.

1 *Kings*

1 *Kings* 14. *v.* 7, 8, 9, 10, 11. *For as much as I exalted thee from among the people, and made thee Prince over my people* Iſrael, *And rent the Kingdom away from the Houſe of* David, *and gave it thee, and yet thou haſt not been as my ſervant* David, *who kept my commandments, and who followed me with all his heart, to do that only which was right in mine eyes, but haſt done evil above all that were before thee, for thou haſt gone and made thee other Gods, and molten Images to provoke me to anger, and haſt caſt me behind thy back: Therefore, behold, I will bring evil upon the houſe of* Jeroboam, *and will cut off from* Jeroboam *him that piſſeth againſt the Wall, and him that is ſhut up and left in* Iſrael, *and will take away the Remnant of the Houſe of* Jeroboam, *as a man taketh away dung, till it be all gone; him that dyeth of* Jeroboam *in the City ſhall the Dogs eat, and him that dyeth in the Field ſhall the Fowls of the air eat, for the Lord hath ſpoken it.*

From which place though I do not deny but it is very clear, that the deſtruction of *Jeroboam* and his Houſe was the effect of a ſupernatural Judgment, yet for all that it does not follow, and it appears *de facto* that it was ſo, but that this Judgment

1 *Kings* 15. 29.

ment might be brought about, by natural and human means, and it being so necessary, as it hath been shewn it was, to *Jeroboams* circumstances, that he should govern by an Army, it is most likely that the ruine of his Family was effected, by the ambition or discontent of some who had considerable interest and power in the Souldiery, a sort of military and therefore dangerous popularity, which is always justly suspected and formidable to Princes. Neither can any good reason be given, why the Kings of *Judah*, notwithstanding most of them were as wicked and as Idolatrous as those of *Israel*, continued all the while, till the time of the Captivity, in the line of *David*, while so many changes and revolutions happened in the Kingdom of *Israel*, but that in the first, the Government was more civil or rather Ecclesiastical, whose parts were all regularly knit and fastned to each other, but in the latter more turbulent, and military than the former, it being but natural for disobliged, or necessitous or designing men with Swords in their hands, and a band of resolute Partisans at their heels, to carve out their own satisfaction, whenever they thirst after greatness or revenge, and to endeavor the advancement of themselves,

though

though by all the foul Acts and mischevious effects of Treason and Rebellion.

The first change or alteration that was made in the Kingdom of *Israel*, was in the time of *Nadab* the immediate Son of *Jeroboam* himself, 1 *Kings* 15. 27. Baasha *the Son of* Ahijah, *of the House of* Issachar, *conspired against him* (Nadab) *and* Baasha *smote him at* Gibbethon, *which belongeth to the* Philistines, *for* Nadab *and all* Israel *laid siege to* Gibbethon. In which words as it is expresly declared that *Baasha* the Son of *Issachar* conspired against him, so nothing can be more plain, than that this was done by a *motus castrensis*, it was a conspiracy formed in the Leaguer, by the power and interest of *Baasha* in the Army, as they lay entrenched before the walls of *Gibbethon*.

The next Revolution that fell out after this, was in the time of *Elah*, the immediate Son and successor of *Baasha*, by the Treason of *Zimri*, 1 *Kings* 16. 9, 10. *His Servant* Zimri, *Captain of half his Chariots, conspired against him, as he was in* Tirzah, *drinking himself drunk in the House of* Arza, *Steward of his House in* Tirzah, *and* Zimri *went in and smote him, and killed him, in the Twenty and Seventh year of* Asa *King of* Judah, *and Reigned in his stead.*

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Where, this Treason being effected by so great a commander, *the Captain of half his Chariots*, being done so publickly, as he was sitting in the midst of his Friends, and in the sight of his very Guards themselves, who it is very likely were of the confederacy with *Zimri* against their Master, and *Zimri* being able not only to perpetrate so black a Treason, but also to place himself upon the Throne of *Israel* in the room of him, whom he had with so much baseness and perfidiousness removed from it; all these things do sufficiently shew, that it was not the wicked rashness of one single man, but it was a formed Confederacy in that part of the Army, that was at that time in and about *Tirzah*, being appointed, as it seems to me, for the guard of the Kings person, while the rest of the people were still encamped against *Gibbethon* (a siege more tedious than that of *Troy* or *Veii*) which belonged to the *Philistines*.

And they not siding with *Zimri* in his wickedness, but on the contrary, being desperately incensed against him, and resolved to revenge his perfidiousness to the utmost, they immediately quitted the Blockade of *Gibbethon*, and came and sat down before *Tirzah*, where *Zimri* and his party

party had ensconced and fortified themselves, which siege was pushed on with so much application and vigor, that they soon made themselves Masters of the place, for *Zimri* enjoyed his ill gotten dominion, no longer then *Seven Days*, 1 *Kings* 16. 15. and then saw himself reduced to that extremity, that there being no middle way, but either he must dispatch himself, or fall into the hands of an enraged Rabble, whose insolence and inhuman barbarity is usually so great, that death is a kindness in comparison of those indignities, which the living suffer when fallen into such cruel and unmerciful hands, he did as became a man that had been worthy to Reign, had he not waded to the Throne through the Blood of him that sat upon it, he chose to die rather by the same hand that had destroyed his Master, than suffer himself to be made a publick spectacle of infamy and disgrace, an hissing and a laughing stock to Boys and Beggers. And therefore as the *Roman* Senators and other aged Persons when the *Gauls* came in, and the Young men that were fit for service, were all of them retired into the *Capitol*, sat every man ready to receive the fatal stroke, in his best attire, and in the Robes or Habiliments of those honours

and

and offices which he had born in the City, that so they might perish like themselves, and as became those that had lived like men, and understood how to die like such; so here *Zimri* when he saw the City was taken, and that there was no hope left, that he might perish like a King, *he went into the Palace of the Kings House and burnt the Kings House over him with fire, and died.* After the same manner that *Sardanapalus* did, who though his life have nothing in it, but what was soft and effeminate beyond expression, yet being driven to that hard *dilemma* either to die like a man or undergo the unsupportable reproaches and indignities of a brutish and inveterat Rabble, the *beasts of the people*, as the *Psalmist* calls them, he made a wise choise of that extream, which was more suitable to the greatness of his Birth and Fortune, and expired in the midst of his Palace and his Concubines, with all his luxury and all his vices flaming about his ears, so that though it cannot be deny'd that he lived like a *fool*, as every man does who gives himself up to that excess of delicacy and effeminate pleasure, yet we may say of his death, as *David* said of *Abners*, *Died* Sardanapalus, *as a fool dieth?* or was it not rather true, that

a Prince and a great man was fallen that day in Assyria? Or was not this better than to be carried about like *Bajazet*, by the *Tartarian* inhumanity of *Tamberlain* in a Cage, or like one of the *Pseudo Philippi* in *Henry* the Sevenths time to be made a drudg or Scullion in a Kitchen, or had not *Bajazet* himself done more like an Emperor and a Gallant, Sultan had he tried which was hardest, his unfortunate head, or the servile grate of that inhumane Cage much sooner than he did.

I cannot stand now to enter into a nice disquisition of this case of *Zimri*, and to determine how far, or in what circumstances it may be Lawful or excuseable for a man to take his leave of a troublesome and uneasie world, before the course of nature be expired, by committing some Act of violence upon himself, a case that hath been often disputed *pro* and *con* by the greatest wits of antiquity, and by the learned men of later times, only thus much, I hope, I may presume to say, that if in any case it be a Lawful or excusable practice, it is in this of *Zimri*, to avoid the insupportable indignities of an incensed croud, who will not spare him at the last, but kill him Ten thousand times, before they are so kind to give him leave

v.I. Lips. manuduc. ad Philos. Stoic. L.3. dissert. 22.23. & Grot. de jur. B. & P. L. 2. S. 19. 5. 5.

leave to die, by exquisite torments and insufferable affronts and by all the barbarous cruelties and abuses that the most ingenious malice can invent.

This was the course that *Sampson* took, when he was sent for by the *Philistines* to make them sport, and *Saul* and his Armour bearer to avoid the insolences of the same barbarous People, fell upon their own Swords, and chose to die of themselves; and besides, that this practice, of which there are so many instances up and down in the Scripture, is not mentioned any where with any reprehension, it seems by the example of *Brutus* to be not only natural, but unavoidable for gallant minds in this extremity to betake themselves to this course, for he, though he censured *Cato* so severely for it, ὡς οὐχ ὅσιον οὐδ' ἀνδρὸς ἔργον ὑποχωρῶν τῷ δαίμονι, καὶ μὴ δίχως τὸ συμπίπτον, yet when he came into the same circumstance he followed *Cato's* example, and chose rather to die by the same fatal hand that was yet reeking in the blood of *Cæsar*, than submit to all the affronts and indignities of those, who had vowed to revenge that ungrateful parricide upon him, and fought for nothing more than to appease the angry Ghost of the *perpetual Dictatours* with the Blood of those bold con-

conspirators that had robbed him of his Empire and his life together.

I conclude therefore, what cannot be deni'd, whatever becomes of the Lawfulness of such a course, which I am loath to concern my self about, *utpote quo nemo fortasse penitius intellexit, omnem istam, quae instituit solet* [illegible], *disceptationem, in summâ rerum verborumq; lubricitate versari*; yet that it is at least an argument of a great and generous mind, and I cannot but wonder at the *Stoicks*, who made so light a matter of bidding the World good night upon every small occasion and yet pretended all the while that their *wise man* was utterly destitute and devoid of passions, that he had no sense of pain or of misfortune, and that he could be compleatly and entirely happy, happy in himself, and in the pleasing sense of his own Wisdom and Vertue, in the worst circumstances that fortune could inflict, or human life was capable of being exposed to.

v. Lips. ubi suprà, collat. cum dissert 6 & 7. ibidem.

It is upon this occasion likewise further to be observed, that though the *Regicide* of *Blah* by *Zimri* were, as it is expressly affirmed that it was, *v.* 13. a calamity which was the effect of a divine Judgment *for the sins of* Baasha *and the*

fact of Elah his Son, and the same was the case of *Jeroboam*, whose Line and Kingdom was destroyed in the person of his immediate Son and Successor, *Nadab*; yet *Zimri* tho' he was the instrument of the divine vengeance, in by no means excused or justified for what he did, but on the contrary, the people disowned and disavowed the fact, v. 16. and God himself brands it with the name of Treason, v. 20. *Now the rest of the Acts of Zimri and his Treason that he wrought are they not written in the Book of the Chronicles of the Kings of Israel?* And how extreamly displeasing that treachery and perfidiousness of his was to Almighty God, may be seen in part by the shortness of his Reign, which was but of *Seven Days* continuance, v. 15. And lastly his memory was so odious to after Ages, that his name was made use of to a *proverb*, as the great example of Treachery, and the warning piece to others to beware of the same Judgments, which overtook him for it, as *Jezebel* said to *Jehu* when he *entred in at the Gate, had Zimri peace, who slew his Master?* 2 Kings 9. 31. But of this and other matters of a resembling nature, I have discoursed more largely in what I have said elsewhere, concerning the revolt of *Jeroboam* from

the House of *David*, and concerning the instance of *Nebuchadnezzar* King of *Babylon*, who was forsaken and abandoned, though, in the midst of the utmost cruelties and provocations, never actually resisted and much less slain by his subjects; in which place I have likewise explained that whole Chapter of the Prophet *Daniel*, with all the certainty and unquestionable evidence even of direct and strictly Mathematical demonstration, and to what I have said there, I shall here only add that, nothing can justifie Rebellion against a Lawful Prince, but such an express Warrant and Commission as *Jehu* had, 2 *Kings* 9. v. 6, 7. where the Prophet *poured Oyl upon his head, and said unto him, thus saith the Lord God of* Israel, *I have Anointed thee King over the People of the Lord, even over* Israel. *And thou shalt smite the House of* Ahab *thy Master*. But I am very confident, if we have no Rebellion, till we have so plain a Warrant and commission too, we and our Children after us, may be very peaceable and quiet subjects for many, nay, for all succeeding generations.

Zimri being thus dispatched out of the way, the next that succeeded him in the Throne of *Israel* was *Omri* the *Captain of*

the host, whom the *people* made *King* over *Israel* in the *Camp*, and he, though it cannot be denyed but he was a Lawful King, the House of *Baasha* being extinct, 1 *Kings* 16. 12. And *Zimri* not being a rightful Prince, but an Usurping Traytor, *v.* 20. And therefore in this case it was Lawful for the People of *Israel* to chuse them another to be King over them; yet this is another instance of the Power of the Soldiery in deposing of Princes, and in setting them upon the Throne, and of the dangers and vicissitudes to which any Nation is exposed, when it is governed by the Sword, and is at the mercy of a standing Army, in which every new sedition and every fresh discontent endangers the continuance of the publick peace, and makes a proportionable revolution in the state.

Omri enjoyed quietly as long as he lived, the Crown and Kingdom of *Israel*, which the Armies choice, *v.* 16. and his own merit and Loyalty, in revenging the death of his late Master *Elah*, had bestowed upon him; but yet it is said, *v.* 26. that *he walked in all the way of* Jeroboam *the Son of* Nebat, *and in his sin wherewith he made* Israel *to sin, to provoke the Lord God of* Israel *to anger with their vanities.*

valitids. However he Reigned quietly for the space of *Twelve Years*, *v.* 23. and then *he slept with his Fathers*, *v.* 28. Which is as much as to say that he died in peace and by a natural death, *and* Ahab *his Son* Reigned in his stead, *v.* 29.

Ahab a very wicked and Idolatrous King, after having reigned for the space of *Twenty and Two Years*, was slain at *Ramoth Gilead* in Battel against the King of *Syria*, and was succeeded by *Ahaziah* his Son, whose Reign was very short, for he Reigned but *Two Years*, 1 *Kings* 22. 51. and was succeeded by *Jehoram*, not his Son, for it is said expressly, that he had none, 2 *Kings* 1. 17. but his Brother, for *Jehoram* is expressly called the Son of *Ahab*, 2. *Kings* 3. 1. and *v.* 2. it is said, that *he wrought evil in the sight of the Lord, but not like his Father*, (that is, *Ahab*) *and like his Mother* (that is, *Jezebel*) *for he put away the Image of* Baal *that his Father had made*, that is again, *Ahab*; for so it is said of *Ahab*, 1 *Kings* 16. 31. *that he went and served* Baal *and Worshipped him*, and *v.* 32. *He reared up an Altar for* Baal *in the House of* Baal.

Jehoram was succeeded by *Jehu* the Son of *Nimshi*, the *Captain General* of all *Je-*

horam's forces, a man very famous for his exploits in War, and particularly for the boldness and fury of his attacks in Battel, who knowing very well, that expedition is the very life of business, when the messengers from *Jehoram* came one after another to ask him, *is it peace?* would not so much as stay to give them audience, but with a military roughness, *what hast thou* said he, *to do with peace? turn thee behind me,* and so drove on with all the speed he could for *Jezreel,* where *Joram* lay to be healed of the Wounds, which he had received in a late Battel against *Hazael* King of *Syria* at *Ramah*; and the Watchman that stood upon an eminence to observe what became of the messengers that were sent, knew that it was *Jehu* by the fury of his driving, though neither of the Messengers that were sent returned; *the driving* said he, *is like the driving of* Jehu, *the Son of* Nimshi, *for he driveth furiously.*

And though it cannot be denyed that *Jehu* was in a most especial manner appointed by God himself for the sins of *Jehoram* and the House of *Omri* to be King, and was accordingly Anointed to the Kingly Office by the prophet, as hath already been shewn, yet this divine designation

had

had its effect by natural and humane means, by the power and interest of *Jehu* in the Army under his Command, as it was in the case of *Omri*, the head of that Royal family which was extinguished in the person of *Jehoram*, and of his *Seventy Brethren* the Sons of *Ahab* 2 *Kings* 10. For so it is expressly said, when *Jehu* had acquainted the Captains of the Host, with the subject of the Prophets message to him 2 *Kings* 9. 12. *Thus saith the Lord, I have Anointed thee King over Israel*, that v. 13. *they hasted and took every man his Garment, and put it under him on the top of the Stairs, and blew with Trumpets saying, Jehu is King*; and *Jehu's* party thus had proclaimed him, was so strong, that the rulers of *Jezreel* and the Elders that brought up *Ahabs* Children, being Seventy in number, *c.* 10. saw it was in vain to insist upon their right, against so powerful a pretender to the Throne, *v.* 4. *behold, two Kings stood not before him*: that is, *Jehoram* King of *Israel* and *Ahaziah* King of *Judah*, *how then shall we stand*? so that they were forced, though, as it seems, contrary to their inclinations to comply with the Conqueror in a very cruel and sanguinary Command, *v.* 6. *take ye the heads of the men your Masters Sons, and come to me to Jezreel by*

to murmur this time, and accordingly it came to pass, v. 7. *when* Jehu's *letter came to them, that they took the Kings Sons* (being *seventy persons* which were with the *great men* of the City, that brought them up, v. 6.) *and put their heads in Baskets and sent them to* Jezreel, *and as he had served his Sons, so he served likewise all that remained of the House of* Ahab *in* Jezreel, *and all his great Men and his Kinsfolks, and his Priests, until he left him none remaining*, v. 11. So that this is another instance of military revolutions, and of the mischiefs and calamities, to which that nation is exposed, where Armies are in constant pay, and are either divided among themselves, in the consequences of which division the State cannot be unconcerned, or acted unanimously by their own discontents, or by the designs, the ambitions, or the private and concealed resentments of their leaders, or when being at leisure from any Foreign service they are at leisure likewise to do the more mischief at home, as it is morally impossible for so great a body of men, made up for the most part, as it is in all the world besides, of a mixt multitude of Knaves and Fools, should not brew some mischief, when they are out of Employment, and the Commanders have little else

to

to do but to lay out a Scheme of greatness for themselves, and then pursue the means of compassing their designs.

Jehu Reigned *Twenty and Eight Years*, and at length died in peace, and *slept with his Fathers, and* Jehoahaz *his Son Reigned in his stead*, 2 *Kings* 10. 35, 36. And in the line of *Jehu* the Kingdom of *Israel* continued, during the Reigns of the four Immediatly succeeding Princes, that is to say, *Jehoahaz*, *Jehoash*, *Jeroboam* the second of that name, and *Zachariah*, against whom *Shallum* the Son of *Jabesh* conspired, c. 15. 10. and that it was by a publick and formed conspiracy, as well as any of those other changes in the Crown of *Israel* which have been mentioned, appears by this, that it is said, that *he smote him before the people* and that *he Reigned in his stead*. The first of which he would not have dared to do, and the last he could not possibly have effected, had he not had before hand a considerable power and interest in the people before whom he is said to have slain *Zachariah*.

But to see the inconstancy of disloyal Subjects, who have once forfeited their Allegiance to their Lawful Prince, they can be true to no Interest, no Person, or Establishment (as it proved by our own experience

in

in the late giddy times,) when must they have prostituted that incommunicable fidelity, which is wholly and entirely due to the rightful and Lawful King and to none else besides him, for *Shallum* Reigned but *One* single *Month* and then gave place to Fate and to the more powerful interest of *Menahem* the Son of *Gadi*, who *went up from* Tirzah, *and came to* Samaria, *and smote* Shallum *the Son of* Jabesh *in* Samaria, *and slew him and Reigned in his stead*, 2 *Kings* 15. 14. And with what cruelty he managed that power which he had gotten, and the conquest which he and his party had made over *Shallum* and his adherents, appears immediately in the next words, and is a woful example as well as the story of *Jehu*, of those unspeakable miseries and devastations, with which all publick revolutions are generally attended, *v.* 16. *he smote* Tiphsah *and all that were therein, and the coasts thereof from* Tirzah *because they opened not to him therefore he smote it*, and (as if *Tiphsah* and *Tirzah* had been the same) he put all the Inhabitants and the Garison to the Sword, *And all the Women therein, that were with Child he ript up*; and the cause of this cruelty being expressed, *because they opened not unto him*, this shews what divisions

and

and animosities there were at that time in *Israel*, some taking part with *Menahem*, and some with *Shallum*, which factions were so great and boysterous among them, that they could not be appeased with the death of one of the contending parties but prevailed so far, that *Pul* King of *Assyria* made use of this advantage and *came against the Land*, weakened and divided by its own intestine broils, which were so great and dangerous, that *Menahem* found himself obliged to make his peace upon the best terms he could with the *Assyrian* King, therefore *he gave him a Thousand Talents of Silver, that his hand might be with him to confirm the Kingdom in his hand*, which was the cause of grievous taxations, and arbitrary fines levied upon the Subject, without any regard to Equity or Justice, to the ruine and impoverishment even of the *mighty men of Wealth*, who it seems, as they had reason, were very loath to part with their mony, but it was too late to dispute the power of two Kings together, and one of them so potent, that he could force an obedience, if the thing it self were but possible, to whatsoever he Commanded. 20. *And* Menahem *exacted the mony of* Israel, *even of all the mighty men of Wealth, each man Fifty Shekels of Silver, to give to the King of* Assyria,

Assyria: *So the King of* Assyria (well payed for his journey) *turned back and stayed not there in the Land.*

Menahem Reigned Ten Years and *slept with his Fathers and* Pekahiah *his Son Reigned in his stead*; but his Reign was but very short, he Reigned but Two Years, and then Pekah *the Son of* Remaliah, *one of the Captains of his host conspired against him, and smote him in* Samaria, *in the Palace of the Kings House, with* Argob, *and* Arieh, *and with him Fifty men of the* Gileadites, *and he killed him and Reigned in his Room*, 2 *Kings* 15. 25. And in his days, there being, as it is more than probable, great divisions among the People of *Israel*, *Tiglath Pileser* King of *Assyria* layed hold on the occasion, and *took* Ijon *and* Abel-beth-maachah, *and* Janoah, *and* Kedesh, *and* Hazor, *and* Gilead, *and* Galilee, *all the land of* Naphtali, *and carried them Captive to* Assyria. Neither was this all, but *Hoshea* the Son of *Elah* likewise took the opportunity of those factions which he found among the people to set up for himself, therefore, v. 30. he *made a conspiracy against* Pekah *the Son of* Remaliah, *and smote him and slew him and Reigned in his stead, in the Twentieth year of* Jotham *the Son of* Uzziah. Lastly

Hoshea

Hoshea Reigned in *Samaria* Nine Years, and then the great and final Captivity of *Shalmaneser* happened, which put a fatal period to the Kingdom of *Israel*, as it was distinguished from that of *Judah*, 2 *Kings* 17. and thus it was exactly true of the Kings of *Israel*, who very few of them died a natural death.

Ad generum Cereris sine cæde & sanguine pauci
Descendunt reges, & sicca morte Tyranni.

Having thus given a particular account of the state of affairs in the Kingdom of *Israel* from the time of its division, from *Benjamin* and *Judah* till the Captivity of *Shalmaneser*, in which the very name and memory of the Ten Tribes was lost, I could now make a no less pleasant, than profitable representation of the state of *Judah* likewise, if it would not be a digression, but I have done all that I designed already, which was only to shew that the Kingdom of *Israel* after the division of the two Kingdoms from one another, was governed altogether by the power of the Sword, and that the factions prevailing from time to time in the *Israelitish* Armies, and the power and interest of this or that Com-

Commander among the Souldiers, were the true causes of those many and great revolutions which happened among them, and of the supreme powers being so frequently translated out of one Family into another, and that from hence it may seem probable that there being Armies in continual pay, and the *Levitical* Cities being emptyed of their old Inhabitants, that they were distributed among the Souldiers, as well for the satisfaction of their arrears, as that the Souldiery by this means being dispersed through the Land of *Israel*, might be the more serviceable to keep the people in obedience, and might be ready at hand in what quarter soever any popular tumult or insurrection should happen. But I am not at all sollicitous, whether this be so or no, only if it be so, it will serve my turn, to prove that the old partition of inheritances was at this time destroyed, and if it be not so, yet it is certain that the *Levites* were expelled, and we may be equally confident that these Cities were filled with new inhabitants, it being the extremity of folly and dotage to imagine, that they were suffered to lie Idle and Useless, without any new inhabitants at all; and this it self will as effectually destroy the old partition as the other way.

Another

Another argument by which it will undeniably appear that the *Priesthood* of *Jeroboam* was by no means after the manner of the *Levitical Priesthood*, may be drawn from the express words of *Abijah*, immediately subjoyned to those other words of his which I have last produced by which the manners and customs of the one are expressly distinguished from, and opposed to the manners, rites and usages of the other, 2 *Chron.* 13. 10, 11. *But as for us, the Lord is our God, and we have not forsaken him, and the Priests, which minister unto the Lord are the Sons of Aaron, and the Levites wait upon their business; and they burn unto the Lord, every Morning and every Evening, burnt Sacrifices and sweet incense; the Shew-bread also set they in order upon the pure table, and the Candlestick of Gold with the Lamps thereof, to burn every Evening; for we keep the charge of the Lord our God, but ye have forsaken him.*

A twofold consideration by which it may appear that the Priesthood of *Jeroboam* was not after the *Levitical* manner, and that they were not placed by him in the *Levitical* Cities, which the *Levites* themselves had been compelled to relinquish, may be drawn from those words of *Abijah* which have

have been already insisted upon, though not to the same purpose for which I now produce them; 2 Chron. 13. 9. *So that whosoever cometh to consecrate himself with a young Bullock and Seven Rams, the same may be a Priest of them that are no Gods.* From which words it is plain that *Jeroboam's Priests* were Priests *properly* and *strictly* so called; they all of them did sacrifice, and sprinkled the blood by way of expiation for themselves as well as for others, otherwise they did not *consecrate themselves*, as it is here expressly said they did, but they were consecrated to the Priestly office, by those to whom the performance of this sacrifice in their behalf appertained; now it is certain that this part of the Priesthood, which consisted in sprinkling of the blood and making an atonement for the Souls either of themselves or others, belonged only to the Priests *properly* and *strictly* so called, this being the most *sacred* and *essential* Character of the Priesthood, and therefore was not common to all the *Levites*, who were dispersed through the whole Land, and had in a *greater latitude* the *charge* of the *holy things*, but was peculiar to the Sons of *Aaron*, who had always their constant residence at *Jerusalem*, and were bound to give their daily attendance upon the Altar;

to

so that the Priesthood of *Jeroboam*, being not barely a *Levitical*, but a more *strict*, and *sacrificial* Priesthood, such as was peculiar to the Sons of *Aaron* by the Law of *Moses*, and the only places of Sacrifice set up by *Jeroboam*, being the two Altars erected at *Dan* and *Bethel*, it follows plainly from the nature of his Priesthood, compared with the places where it could only be exercised, that these two were the only places where his Priests resided.

An Eleventh consideration by which the distinction of the *Mosaic* Priesthood from that of *Jeroboam* will appear, may be taken from the different solemnity of their respective consecration to the Priestly Office, as it is described *Levit.* 8. and 2 *Chron.* 13. in the words of *Abijah* so often appealed to.

A Twelfth argument shall be taken from the *difference* of the *Feasts*, which were observed by the one Priesthood and the other, for *Jeroboam* to make the greater distinction and the wider breach between the two nations of *Israel* and *Judah*, had altered the time of the solemn Feasts, that the people might not be tempted to go up to *Jerusalem* and do sacrifice, at the same solemn and stated times when those of

Benjamin and *Judah* repaired thither, 1 *Kings* 12. 32. *And* Jeroboam *ordained a Feast in the Eighth Month, on the fifteenth day of the Month, like unto the Feast that is in* Judah; it was like the Feast in *Judah*, but it was not in the same Month, in which that Feast was kept, for it follows, *v.* 33. *So he offered upon the Altar which he had made in* Bethel, *the fifteenth day of the Eighth Month, even in the Month which he had devised of his own heart, and ordained a Feast* (which had not been ordained before at that time) *unto the Children of* Israel, *and he offered upon the Altar and burnt incense.*

If you ask me *what Feast* in *Judah* that was, which was resembled by this, I Answer, it was the Feast of the Passover, and the reason I give of my opinion is this; *Epiphanius* in his *Hæresies* mentions among the *Samaritans* a Sect called Σαβυαῖοι, *Sebuæi*, who had their name from *sheba*, which signifies *Seven*, because they observed the Passover in the *Seventh Month*, that is, in *Tisri*, whereas by the Law of *Moses* it was to be observed in *Abib* or *Nisan*, that is, in the first Month, and their name put into Greek is not ἑβδομαδῖται, but ἑβδομῖται, or ἑπτημηνιαῖοι, as I have elsewhere observed against

against *Joseph Scaliger*. Now *Seven* and *Eight*, in these cases are the same, as *Grotius* hath observed before me, and therefore *Josephus* saith of the Passover, sometimes that it was a Feast of *Seven*, and sometimes of *Eight* Days continuance; in the first account excluding that day in which the Passover was killed, which did not belong to the Feast of the Passover *properly* so called, and in the latter including it: And so here, if you take in the *Terminus à quo* which is the Month before *Nisan*, then *Tisri* is the *Eighth* Month, but if you consider the Months only *inclusivè*, beginning at *Nisan* or *Abib*, then it is the *Seventh*, which is a plain way of reconciling this seeming disagreement betwixt *Epiphanius* and the *writer* of the Book of Kings. And to shew still more plainly that both writers are to be understood of the same Feasts, it is to be considered that the *Samaritanes* received their Religion from the *Israelitish* Priests, which were sent among them to instruct them, as appears by the *Seventeenth* Chapter of the *Second* Book of *Kings*, where the story of *Salmanesers* deportation is related; and these Priests were subjects of that Kingdom and Priests of that Order and Institution of which *Jeroboam* was the Founder; so that I think there can be no

doubt, that the same Feast is understood by *Epiphanius*, with that which is mentioned in the Book of *Kings*, but *Epiphanius* his Feast is expresly said to have been the Passover, therefore it follows that in the Book of *Kings* we are also to expound and interpret it of the same; and as *Epiphanius* explains the sacred story, so on the other hand the *inspired Writer* returns *Epiphanius* his kindness back again, by giving authority and credit to his relation: And if we consider that *Epiphanius* did not understand *Hebrew*, which it is easie to prove that he did not, and I think I have done it in some other papers, the name it self does sufficiently vouch the credibility of the story, since its signification is so well accommodated to the practice of the sect it self which he describes. I do therefore disown and recant those reasons, which I have given of the *Samaritan* practice, as to this particular, in the papers I have mentioned, which being already finished from the press, though not yet published, cannot be recalled; since it appears so plainly that it is wholly owing to the perverse institution of *Jeroboam* which was devised by him on set purpose, to make the breach wider, and the enmity more irreconcileable betwixt the two Kingdoms of *Israel* and

Judah

Judah. And it is further to be noted that he did not only institute a new Feast, or which is the same thing, an old Feast at a new time, but also that he did sacrifice in his own person, by that means invading the Priestly Office, a sin so grievous in the sight of God, that for this very thing, for offering sacrifice of himself, before *Samuel* came into the camp, the Kingdom was rent from *Saul* and his posterity, and *Azariah* or *Uzziah* only for *burning Incense upon the Altar of Incense*, though in all other respects a very good, and a very pious King, was smitten with the Leprosie all his lifetime after.

But in the thirteenth and last place, it appears beyond all possibility, all colour of contradiction, that the Priests of *Jeroboam* were not dispersed in the *Levitical* Cities, all over the Land of *Israel* as the *Levites* themselves were, but only in *Dan* and *Bethel*, from the express words of the text it self, 1 *Kings* 12. 32. *And he placed in* Bethel *the Priests of the high places which he had made*; and there being the same sacredness of *Dan* as of *Bethel*, the same kind of Priests belonging to them both, and the same sacrifices and ceremonies to be performed at both places, there is no question but it is to be understood *that* Kings

of them both, that *Dan* as well as *Bethel* was to be the reſidence and habitation of *Jeroboams* Prieſts. *Quod erat oſtendendum.*

And though theſe reaſons are ſufficient to prevail with me to retract that opinion which I have elſewhere favoured, though I could not poſitively affirm it, that the *Levitical* Revenues and Demeſnes were ſetled and conferred by *Jeroboam* upon his new Prieſts; yet as to the matter in queſtion, concerning the time when the *Moſaical* partition ceaſed, and the ancient boundaries of Inheritances were confuſed, it is all one to me whether it be true or no, becauſe it is certain upon the baniſhment of the *Levites*, that theſe Cities were filled again by new Inhabitants of one ſort or other, which is ſufficient of it ſelf to deſtroy the old partition of the Tribes, when it appears ſo plainly that one Tribe was totally expelled from their ancient ſeats, and that into the places, which were by their departure left empty, there were other Tribes and Families, that had formerly no claim or pretence to Inhabit there, admitted. But this is not all neither, there is another conſideration yet behind, which will of it ſelf demonſtrate all that I deſign to prove, and that is, that the *Moſaical* partition ceaſed, at

at the time of the diviſion of the two Kingdoms of *Iſrael* and *Judah*.

My argument is taken from thoſe words of 2 *Chron.* 11. 13, 16, 17. *And the Prieſts and the* Levites *that were in all* Iſrael *reſorted to him out of all their coaſts.*—*And after them out of all the Tribes of* Iſrael, *ſuch as ſet their hearts to ſeek the Lord God of* Iſrael, *came to* Jeruſalem *to ſacrifice unto the Lord God of their Fathers, ſo they ſtrengthened the Kingdom of* Judah *and made* Rehoboam *the Son of* Solomon *ſtrong.* So that here being, beſides the *Levites*, being one whole Tribe, ſo great a party flocking to *Jeruſalem* out of all the reſt of the Tribes, as to be ſo great an acceſſion of ſtrength and power to *Rehoboam*, theſe following things muſt unavoidably come to paſs: Firſt that ſo many new Families being crouded in ſo ſmall a compaſs, that the natural growth and product of the Country ſeems to have been very far from being of it ſelf ſufficient to maintain them, they found themſelves obliged to enter into commerce and traffick with their neighbour nations, and to improve their ſtocks by trade; and it being utterly impoſſible that the trade of a nation ſhould be managed without taking mony up at intereſt, unleſs people would be ſo good natured as to

lend it for nothing, which is not to be expected: And again, it being equally impossible, that Usury should be practised without the destruction of that *Mosaical* Partition of Inheritances, for the preservation of which the Prohibition of Usury was passed into a Law, as I have shown more largely in my Discourse concerning the *Marriage* of *Cousin Germans*, it is a plain case, that the old Distribution of Inheritances, which was established by *Moses*, and by *Joshua*, must at this time begin to be confounded; and the same Causes that first made the breach upon the *Mosaical* Platform, would soon reduce it into such absolute Confusion, that the old Partition of the Tribes and Families, as to the Lands or Messuages belonging to them, would be perfectly destroyed.

And this Argument would be yet more strong, if it were true what is said, 1 *Kings* 12. 20. That *there were none that followed the house of* David, *but the tribe of* Judah *only*; which seems to have been done in consequence of what God himself had said to *Solomon*, c. 11. 13. *Howbeit, I will not rend away all the Kingdom: but will give one Tribe to thy Son, for* David *my Servant sake, and for* Jerusalems *sake, which I have chosen.*

But

But theſe things are not by any means to be underſtood in the utmoſt Strictneſs and Propriety of Acceptation; for it is indiſputably certain, That that one Tribe was two and a half: and ſo *v.* 30. of this Eleventh Chapter, *Ahijah* the Prophet catches hold on the new Garment that was on *Jeroboam*, and rends it into twelve pieces, which twelve pieces were intended *Symbollically* to denote the Twelve Tribes of *Iſrael*: and *v.* 31. *He ſaid to* Jeroboam, *Take thee ten pieces: for thus ſaith the Lord, the God of* Iſrael, *Behold, I will rend the Kingdom out of the Hand of* Solomon, *and will give Ten Tribes to thee.* From whence it follows plainly, that there muſt be two remaining to the Houſe of *David*; and yet it follows, *v.* 32. *But he ſhall have one Tribe for my ſervant* Davids *ſake, and for* Jeruſalems *ſake, the City which I have choſen out of all the Tribes of* Iſrael. And again, *v.* 36. *And unto his Son will I give one Tribe*; but it is clear, That that one Tribe was two; for it is ſaid expreſly, 1 *King.* 12. 21. that *when* Rehoboam *was come to* Jeruſalem, *he aſſembled all the Houſe of* Judah, *with the Tribe of* Benjamin, *an hundred and fourſcore thouſand choſen men, which were Warriours, to fight againſt the Houſe of* Iſrael, *to bring the Kingdom again to* Rehoboam *the Son of* Solomon.

And

And *v.* 22, 23. the half Tribe of *Manasseh* is likewise taken into the Account. *The word of God came unto* Shemajah *the man of God, saying, Speak unto* Rehoboam *the Son of* Solomon *King of* Judah, *and unto all the House of* Judah *and* Benjamin, *and to the Remnant of the people, saying*, &c. Where it is manifest, that by the *Remnant of the people*, which is here plainly distinguished from the *Two Tribes* of *Benjamin* and *Judah*, nothing else but the *half Tribe* of *Manasseh* can be understood. And the true reason why *Benjamin* sided with *Judah* in this Conjuncture, bating the Business of Religion, which might be a Motive to them, as well as it was to several of the other Tribes to come and associate themselves with them, seems to have been this; That *Benjamin* it self was a Pretender to a Soveraignty over the rest of the Tribes, in right of *Saul* the Son of *Kish*, who was the first King both of *Israel* and *Judah* together, which was the reason of *Shimei*'s cursing *David*, and of *Sheba* the Son of *Bichri*'s Rebellion against him, both of them being *Benjamites*, and one *of the Family of the House of* Saul, and therefore Enemies to the Family of *David*, and the Royal House of *Judah*; but when *Jeroboam* an *Ephrathite*, set up for himself, they not being strong enough to make a distinct

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Kingdom by themſelves, choſe rather to confederate with the Houſe of *David*, who had been choſen King, by God himſelf, and who was ally'd by Marriage to the Houſe of *Saul*, than to favour the Pretences of an Upſtart of the Houſe of *Ephraim*, which had never any juſt pretence or title to the Crown.

Another Reaſon which may be aſſigned of theſe Two Tribes and an half confederating together, is the convenience of their ſituation, being all of them the very next Neighbours to each other; for it is ſaid, *Joſh.* 10. 11. That *the lot of the Tribe of the Children of* Benjamin *came up according to their Families, and the coaſt of their Lot came forth between the Children of* Judah, *and the Children of* Joſeph. From whence it is manifeſt, that the Inheritances of *Judah*, *Benjamin* and *Joſeph*, did border and abutt upon each other; and the Children of *Joſeph* being divided into the Two Tribes of *Ephraim* and *Manaſſeh*, by the Children of *Joſeph* in this place, we are not to underſtand the Tribe of *Ephraim*, of which Tribe *Jeroboam* himſelf was, and therefore that whole Tribe ſided with him, but of *Manaſſeh*, which was divided into Two; the one half on the one ſide of the River *Jordan*, being a part of the Land of *Canaan*, and

and belonged to the Kingdom of *Judah*, as well for the conveniance of its Situation, as upon any other Account; and the other half was on the other side of the River, together with the Sons of *Gad* and *Reuben*, and belonged to the Kingdom of *Israel*.

Lastly, a third Reason which may be assigned, why these Two Tribes and an half *associated* themselves together, or rather, kept stedfast in their Allegiance to their lawful Prince, besides the Duty, and the comfort of Loyalty and Integrity considered in themselves, may be fetched farther off from the Kindness and good Will of the Progenitors or Patriarchs of these Tribes to one another; for *Judah* saved *Joseph* from being slain by his Brethren, and by consequence was a kind of Father to the Two Tribes of *Ephraim* and *Manasseh*, who, without this, had perished before they were born; and it is well known what Kindness there was betwixt *Benjamin* and *Joseph*, both of them the Sons of *Rachel*, the beloved Wife of *Jacob*, and one of them the Fruit of his Fathers old Age, the Stay and Support of his declining years, after the loss of *Joseph*, whom he gave over for dead, and the unexpected Progenitor of so numerous a Tribe. But whether the King of *Judah* were only

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poſſeſſed of that one Tribe, which gave denomination to his Kingdom; or whether he were alſo, as I have proved he was, King over *Benjamin*, and the Remnant of *Manaſſeh* likewiſe; yet it is certain, when we have taken things in the utmoſt Latitude that the Truth will bear, that after all, by the flocking of the whole Tribe of *Levi* into the Territory of *Judah*, and by the concourſe of ſo many others out of all the reſt of the Tribes, it muſt of neceſſity come to paſs, That the old Partition of Inheritances muſt be deſtroyed, and that the Land being too little to afford them all a ſedentary Subſiſtence at home, they muſt be forced to take up Money at uſe, to be employed in a foreign Trade, which was forbidden only to preſerve the *Moſaical* Diſtribution, and which being once allowed, I have demonſtrated elſewhere, would as effectually deſtroy it, as if it had never been.

Diſcourſe of Marriage of Coſ. Germ.

And to confirm this; it is obſervable, That in all thoſe Countries where this equality of Inheritances was obſerved, there for the better Preſervation of it, the Exerciſe of Uſury was forbidden; as *Solon*, of whom *Seneca* obſerves, as I have taken notice in that other Diſſertation which is to follow this, That he made all things in the ſtate of

of *Athens* to be *æquo jure*, after a sort of *Gavel-Kind*, did likewise forbid Usury by a Law which he called Σεισάχθεια. *Laertius in Solone*: πρῶτον μὲν τὴν Σεισάχθειαν εἰσηγήσατο Ἀθηναίοις. τόδε ἦν λύτρωσις σωμάτων τε, καὶ κτημάτων, καὶ γὰρ ὅτι σώμασιν ἐδανείζοντο, καὶ πολλοὶ δι' ἀπορίαν ἐθητεύον· ἔτι δὲ τἀλάντων ὀφειλομένων αὐτῷ πατρῴων, συνεχώρησε πρῶτος, καὶ τοὺς λοιποὺς τὸ ὅμοιον πρᾶξαι, καὶ τοῦτο ὁ νόμος ἐκλήθη Σεισάχθεια. that is, Solon *first of all introduced that Law among the* Athenians, *which was called* Sisachthia, *that is to say, A releasing of the Bodies and Possessions of those that were in Prison or Bondage, or had Morgaged their Estates to satisfie their Creditors, the Usurers of those times; for men pay'd Use with their Bodies, when they could not do it with their Estates; and many were brought into slavery upon that account:* Solon *led the way himself, by forgiving Seven Talents which were due to him, being parcel of his paternal Estate, and exhorted others to follow his Example; and this Law was called* Σεισάχθεια. *Hesychius*, Σεισάχθεια, Σόλων χρεῶν ἀποκοπὴν δημοσίων καὶ ἰδιοτικῶν ἐνομοθέτησεν, ἥνπερ Σεισάχθειαν ἐκάλεσε, παρὰ τὸ ἀποσείσασθαι τὰ βάρη τῶν δανείων. And that this was no other than an *Eastern* Law, brought by him into the Practice of the *Athenian* Republick, appears by an Observation of (*a*) *Menagius*, who tells us out of (*b*) *Diodorus Siculus*, That

a Observ. in *D. Laert.*
b Biblioth. *l.* 1.

That the *Egyptians* likewiſe, by whom perhaps we are to underſtand the *Jews*, had ſuch another Conſtitution among them; and that *Solon* received his from thence, or if you will rather underſtand *Diodorus*, of the *Egyptians* properly ſo called, this only confirms what I have already aſſerted more than once, that many of thoſe Laws which are to be found up and down in the *Code* of *Moſes*, were alſo in force both before and under the *Moſaic* Diſpenſation among all, or moſt of thoſe *Eaſtern* Countries, as well as among themſelves; neither is it any wonder to find this *Hebrew*, or *Egyptian* Law of *Solon*, when it was tranſplanted into *Greece*, to be likewiſe called by a *Greek* Name, as the *Canary* Vine tranſplanted into the *German* Soil partakes of the Nature of the Climate where it grows; for ſo *Bochartus* expreſly tells us out of *Plato*, *Neceſſe habuit* Solon *cum Egyptia nomina non poſſet carminibus ſuis inſerere, his alia Græca ſubſtituere ejuſdem ſignificationis.* In Critiâ. *Bochart. Geog. Sacr. Part.* 1. *l.* 1. *c.* 15. *p.* 68.

And here if it be true, that by the *Ægyptians* in this place of *Diodorus*, we are to underſtand that people properly ſo called, as they are diſtinguiſhed from the *Jews*, we have a very fair occaſion to take notice, of the great unskilfulneſs, or rather impu-

impudence of *Maimonides*, and *Moses* the Son of *Nachman* and other of the *Jewish* Rabbins, who pretend to give an account of several of the Laws that are to be met with in the Books of *Moses*, only from this, that they were designed to thwart and oppose the customs of the *Zabii* by whom they mean the ancient *Chaldæans*. *Multarum legum*, saith the *Ægyptian* Moses, *rationes & causæ mihi innotuerunt ex cognitione fidei, rituum & cultûs Zabiorum*, but from whence have these *Zabii* this name of theirs which is unknown to any *other* Geographer, but to the *Rabbins* themselves; and they it is well known, are the worst Geographers and Historians in the world, or rather they are the shameless corrupters and depravers of Geography and History, and of all good learning, they confound the names of places and persons and the succession of times, and they are used either wholly to pass by the truth and to give us nothing but monsters and incredible prodigies in its stead, or else so to blind and corrupt it by figments of their own, that it is utterly impossible by a *Rabbinical light* to discern truth and falshood from one another.

Joseph Scaliger, tells us they were called so from an *Arabick* word signifying the *ventus*

In Moreh Nevoch. in Deut. 22. 23.

See Cudworth *of the Sacrament*, p. 35, 36. *Ed.* Fol. 1676.

v. Constantin L'empereur præf. & not. in Benjam. Tudel & Buxtorf. præfat. in lex Talmud. & Is. Voss. de 70. interp.

Ep. 62. ad Isaac. Casaub. cit. Cudworth. ibid.

tus Apeliotes, of the *Eastern wind*, and so this name will comprehend *all* the Eastern Nations; but now to say that the *Jews* abstained from any thing meerly in opposition to the *Eastern Nations*, in the *general* considered, is certainly false, because I have given so many instances of a manifest, unquestionable and undenyable agreement between them: Who then are these *Zabii*? what particular people are they? Whereabouts shall we find them, if they are not *all* the Eastern Nations? Why, in good truth, if we may be allowed to speak out with the good leave of the *Rabbanim* and the Ραββιμανῶν, a sort of Gentlemen much the less excusable of the two, for suffering themselves to be so miserably deluded by errant Fools and down-right Knaves, and yet pretending all the while to be the Magisterial Oracles and Dictatours of a Learned Age, I say, with the good leave of these two sorts of *Asiatick* Monsters, more ugly and deformed than any of those that *Africa* produceth, the *Zabii* are certainly neither more nor less than only those, whom the *Greek* Geographers are used to call Σάβαι and Σαβαῖοι and the *Latines Sabæi*, a People bordering upon the *Red Sea* of whom no ancient Geographer whether *Greek* or *Roman*, tells any of those stories, which

v. Bochart. Phaleg. l. 4. c. 8, 9. & Lloyd lex Geograph. in Sabæi.

the Rabbins have fathered upon them, and though there be such a man, nay, *Four* that are of that name, as *Sheba* or *Shaba* in the sacred story, from whom these *Zabii* or *Sabæi* may very well be supposed to be descended; yet there being no such people as the *Zabii* mentioned any where in Scripture, I make no question but the *Rabbins* borrowed their name of *Zabii* from the *Greek* Σαβαῖοι or the *Latin Sabæi*, but from whence they had their pretty Romances concerning them, they know best themselves.

v. Bochart. ubi supra.

But let them e'en be who the *Rabbins* please, or who they please themselves, let all the Eastern Nations be comprehended under the term of *Zabii*, as it were from *Shoub* or *Shab* which signifies to return, because the Sun sets in the West, and *returns* again, or rises in the East, or let them be only those whom the *Greeks* and *Latins* call *Sabæi*: Or lastly, since there are four persons in Scripture who are called by the name of *Sheba* or *Shaba*, let each of them be supposed to have been the Father of a Nation, and let us place these four Nations at the four *Cardinal* Points, if that may not be too much for the Interest of Popery in an Age that is in it self so Popish and so Popishly affected, without landing

v. Bochart. ubi supra.

Pilgrims

Pilgrims out of *Terre del Fogo*, or because they are namesakes, let them live together, and let them all be inhabitants of some Eastern Countries, where men hate Images, as we do the Pope, the Image of the Beast, and Statuary General of the Western World.

But wherever they are whether some where, or any where, or every where, or no where, yet how came the *Jews*, those learned and famous Antiquaries the *Rabbins*, to be so well acquainted with the customs of other nations, who are so ignorant of their own, as I have proved already in very many particulars? And it is the character, which *Joseph Scaliger* gives of the *Samaritans*, very much to the credit of the *Jews*, *Gens est hodiè suprà Judaicam, totius vetustatis, etiam quæ ad ipsos pertinet, ignarissima.* But I dare not English it, lest the *Rabbins* should be angry, and they are a sort of men so musty and so sullen that I would not willingly incurr their displeasure.

De Emend. temp. L. 7. in not. ad Ann. samarit.

But not to play too long upon the skirts of the business and to insist only upon generals, as if we were afraid of being more particular, which is the *Phanatick* way of argumentation and dispute, when the point is as tender as the conscience of a non-conforming

forming Divine, and the good man is afraid of touching or being touched, for fear of being made ashamed of himself and of his party, there are two notions especially in which the *Rabbins* pretend to have received a marvellous light from the customs of the *Zabii* compared with those of the *Jews*.

The First of which concerns the *Mosaical* Prohibition of feeding upon Blood, the Second that of seething a Kid in the Milk of its Dam; I shall consider both of them as briefly and as clearly as I can.

p. 35. *ubi supra*. As to the first of these *Dr. Cudworth* hath these words: *There is an excellent story in* Maimonides *his* Moreh Nevochim, *concerning an ancient custom of the* Zabii, *of Feasting together with their Gods in a federal way—For going about to give the reason why the eating of Blood was forbidden in the Law, he fetches it from the Idolatrous use of it then in* Moses's *time among the* Zabii; *according to his principles, who thought the reason of all the Ceremonial Precepts was to be fetched from such accidental grounds, because those Laws were not* primæ, *but* secundæ intentionis, *in God,* Multarum legum rationes & causæ, *saith he,* mihi innotuerunt ex cognitione fidei, rituum & cultûs Zabiorum,

Zabiorum. Very like; but I long extremely to hear this *excellent* ſtory, and therefore enter *Aben Tibbon* Druggerman in chief to the great *R. Moſes Ben Maimon*; and what ſayes he? why, he tells us, as he had it from *Maimonides* his own mouth, upon the faith of a *Rabbin*, and by all that is ſacred in that *Whisker* of a Book the *Talmud*. *Quòd licet ſanguis impurus & immundus admodum fuerit in oculis* Zabiorum; *tamen ab illis comeſtus fuerit, eò quod exiſtimarunt cibum hunc eſſe Demonum, & quod is qui eum comedit, hac ratione communicationem aliquam cum Demonibus habeat, ità ut familiariter cùm illo converſentur, & futura ei aperiant.* An excellent ſtory indeed! and every whit as good ſenſe as the *plaſtick nature*, and other *pretty trangams* in the *Intellectual ſyſteme*; but if no body be a *Biſhop* till this *excellent ſtory* be true, the *Apoſtolical* ſucceſſion from this time forward will fail.

But ſay you ſo Maſter *Tibbon*? and are you ſure you had this from *Maimonides* himſelf? *Dah chi badam hou Tamè mod*, &c. *Know that the Blood was accounted very impure in the Eyes of the* Zabians, *and yet they were uſed to eat it*, &c. This may be *excellent* for ought any body knows, becauſe it is very ſtrange and this is the

common Priviledge of all strange things, that people are usually very civil to Strangers; and therefore they pass for *excellent* without Examination: Otherwise if a man were minded to be so barbarously rude, to call any thing in question, which is affirmed either to be true or false, *ſide Rabbinicâ*, upon the skill or honesty of a *Jewish* Doctor, he might argue thus:

All things that were anciently looked upon as impure, were so upon one or both of these accounts; either they were impure in Sacrifice or Food, or both; or by impure was meant, That it was not lawful to touch, or have any thing to do with them; now if the Blood were impure, that is, unlawful to be eaten; and if the *Zabians* thought so, why did they eat it in Contradiction to themselves, and in defiance to their own Consciences and Understandings? Again, though they had an Opinion that it was impure, yet they offered it up in Sacrifice to their Idols, that is, they used it by way of Expiation, as the words of *Tibbon* themselves do very plainly aknowledg. And this indeed, was no wonder, for by Expiating and Atoning for the Souls of men, it came to be impure, as being polluted with the sins of those, in whose behalf it was shed; which by the way sufficiently discovers the Error

and

and Unskilfulness of the *Papists*, who pretend to drink the very Blood of *Christ* in the Sacrament, which, as being the Blood of an Expiatory Sacrifice, is for that reason unlawful to be drunk or eaten; and it was for that reason, as the Author to the *Hebrews* tells us, That he suffered without the Gate, as the Sin-offering was used to do without the Camp, because he had contracted a *Levitical* Uncleanness, as the Sin-offering did, by being polluted with the sins of those in whose behalf he was offered.

But then if you consider what hath been already proved, That every Meal among the Ancients, as well *Jews* as *Heathens*, had the nature of a Sacrifice; it follows plainly, that the Blood of all Animals was accounted unclean, as being always of an expiatory Nature. And therefore if the *Zabians* drank the Blood of any Sacrifice, they might as well drink it at all their Meals; and to say, they did at sometimes, but not at others, is to say, That they did that sometimes, and which is worse upon a Religious Account too, which they knew was always unlawful to be done, and which indeed was the highest Profanation of that *Victimary* Service, in which all the Religion of the Ancient World consisted.

But whether it be owing to the Evidence of Truth, or the Inconsistency of the former Tale to it self, or to spin out his time in a multitude of words, or for what other reason, I know not; but he tells us afterwards, That there was a Faction among the *Zabians* themselves, and that there were some that made a great scruple of this Eating of Blood, and therefore *performed their Service in a little different manner*, which is there described, eating the flesh themselves, as the *Jews* were wont to do in their Peace-offerings, and in all their Meals, which were, though not so solemn, of the same Nature; and feeding the *Dæmon* with the Blood, that is, pouring it out upon his Altar by way of Expiation, as the *Jews* themselves were wont to do by the express Command of God himself, differing only from the *Zabians* of *Maimonides*, whom he endeavours to expose, and whom he would make in every thing so opposite to the *Jews*, as to the *Object* of this Ministration.

True notion of the Lords Supper, *ibid.*

And indeed, the Argument which is there brought as the reason upon which this other pretended Faction of the *Zabii* proceeded, is of it self abundantly sufficient to confute the whole Story: *Vehajou ſham anaſhim ſhehajah kaſhab beheneihem achilath hadam, chi hou dabar ſhejimaſhou tebah haadam.* 'There 'were

'were some among them, to whom the 'eating of Blood seemed hard in their Eyes, 'because it is a thing which the Nature of 'man abhors; and this a man would think might be enough to perswade us, that it was never the constant use of the Sacrifices of any Nation, that is, in effect of all their Meals which had all of them the Nature of a Sacrifice, as hath been already frequently declared.

But the learned Doctor goes on; and *as for the former part of this Story*, saith he, *I find it also in* R. Moses Bar Nachman *upon* Deut. 12. 23. *where he goes about to give the reason why Blood was forbidden in the Law, as* Maimonides *did; although in the first place*, he saith, *it was because Blood served in Sacrifices for expiation, otherwise than* Maimonides, *for there was a great Controversie between these two Doctors about the Nature of Sacrifices; but yet in the second place he brings in this also, because it was used superstitiously by the Heathens in the Worship of the Idol Gods. Vehajethu hahabodah bi beachilath min hadam, &c. i.e.* 'They 'performed this superstitious Worship by 'eating of Blood in this manner; they ga-'thered together Blood for the Devils their 'Idol-gods, and then they came themselves, 'and did eat of that Blood with them, as be-

'ing

'ing the Devils Guests, and invited to eat at 'the Table of Devils; and so were joyned in 'federal Society with them. And by this kind 'of Communion with Devils, they were a-'ble to Prophecy and foretel things to come.

As to the last part of the Story of fore-telling things to come, though I am far from denying, that there hath been, or that there is such a thing as *Witchcraft* in the World, or such people as *Sorcerers* and *Witches*, whom the Law of *Moses* calls *Chartoumim* and *Mecassphim*, *Wizards* and *Enchanters*; yet as for this particular Instance, all I have to say, is, *sit fides penes Auctorem*, and *credat Judæus Apella*; for I believe nothing barely upon the Testimony of a *Rabbin*, without other sufficient Probability to back it; no more will any man else that is not in love with being imposed upon, or that understands but half so well as I pretend to do, the extream folly and impudence of those fellows.

But when the Learned Doctor is pleased to tell us that *there was a great controversie* between the *two Rabbins*, as little as they differ in name from one another, for one is *Rambam* and the other *Raman*, according to the *Rabbinical* way of *Rasbei Teboth*, and that this controversie consisted in this that *Nachmanides* would have the Blood in Sacri-

Sacrifices to be of an expiatory nature, which *Maimonides* deryed, this does by the way sufficiently discover how unskilful a sciolist and how insignificant a trifler the so much celebrated and adored *Maimonides* was, notwithstanding there have been those that have given him this character, that he was *primus Rabbinorum qui desiit nugari*. for what can be more foolish, nay, what can be more stupid, insensible and sottish than to question the truth of that which is affirmed in expres words by God himself? An Authority which without detraction a man may safely say it is at least equal to that of *Moses Ben. Maiman*. And he says thus, *Levit.* 17. 10, 11. *whatsoever man there be of the House of* Israel *or of the strangers, that sojourn among you; that eateth any manner of Blood, I will even set my face against that Soul that eateth Blood and will cut him off from among his People. For the life is in the Blood; and I have given it to you upon the Altar, to make an atonement for your Souls; for it is the Blood that maketh an atonement for the Soul.* So that we see here that the reason why Blood was prohibited to be eaten or drunk by the *Jews*, is expresly said to be this, because *it is the Blood that maketh an atonement for the Soul*, and because *God had given it upon the*

Altar

Altar to make an atonement for the Soul of men. And after all this, if *Maimonides* will ſtill go on to lay a groundleſs claim to that unbounded priviledge called liberty of conſcience, and if in ſpite of ſo plain a text he will needs humbly conceive, with or without ſubmiſſion to better Judgments, that God himſelf is miſtaken, who can help it? *Maimonides* is a *Rabbin*, and great *Rabbins* and great *Travellers* may ſay what they pleaſe.

But though *Maimonides* be miſtaken, yet the comfort is that *Moſes Bar Nachman*, who hath his name from *comfort*, is in the right, as how ſhould it be otherwiſe in contradictory Propoſitions, but one muſt needs be falſe, the other true; but yet as *Maimonides* upon examination does not appear to be full out ſo wiſe as God himſelf, who certainly underſtood the meaning of his own Conſtitution, and may be allowed to explain the ſenſe of his own Laws, ſo neither is the *Comforter Nachmanides* altogether ſo infallible as that *other Comforter*, mentioned by St. *John*, one of whoſe great and excellent employments it is to enlighten the underſtandings, as well as to reſtrain and govern the wills of good men, and to lead them into all truth, as

as well as to ſtrengthen and confirm them under all temptation.

Vehajetha ſaith *Nachmanides*, *hahavodah hi beachilath minhadam, chi hajou mekabtſim hadam leſheedim, vehem oclim halau oumiemennou.* 'They gathered toge-'ther the Blood for their Idols, and then 'they ate of it together with them. By which words a man would think, not only that they were uſed to eat of the Blood, but alſo that gathering the Blood of ſeveral ſacrifices together, they uſed to eat of it, as beggers do pottage, without partaking of the ſacrifices themſelves, whereas no cuſtom can be ſhewn in any Antiquity where the Blood of any ſort of Sacrifice, either among *Jews* or *Heathens*, was generally eaten, for as for ſingle inſtances, if any can be produced they are nothing to the purpoſe, or where the Fleſh of Sacrifices, unleſs in the Sin and Burnt Offerings, was not, and indeed it is impoſſible in the Nature of the thing, that Blood by it ſelf ſhould be the food of men, unleſs you may call that food, which is poiſon too, and which would certainly clod and coagulate in the ſtomachs of thoſe that eat it, and by that means kill them; it is a barbarity ſo contrary to nature that I believe ſcarce any Birds or Beaſts of prey, not even the

Wolves

Wolves not the Vultures themselves are ever guilty of it.

Neither is this all, for it is still more pleasant what the Doctor tells us, that *Maimonides* going about to give the reason, why the eating of Blood was forbidden in the Law, he fetches it from the Idolatrous use of it then in *Moses* his time among the *Zabii*; but how came this *Rabbinical* trifler to know what was done in *Moses* his time? for unless he means himself or his Brother *Nachman*, the *comfortable importance* of the *Hebraizing* tribe, I am sure he could know nothing of that other *Moses*, but what is written in the Law it self.

The monstrous, absurd and ridiculous Winter tales which the *Rabbins* tell us are enough to blast the credit of their traditions, and if you consider how long it was before either of the *Talmuds* were compiled, the one not till Two, and the other not till Five hundred Years after *Christ*, and these were the First traditions that appear to have been put into writing; it is morally impossible, especially among men so given to lying on the one hand, and believing on the other, as the *Jews*, that any certain tradition should continue so long, as from the time of *Moses* till then.

And

And as for the Traditions of *Moſes* from mount *Sinai*, which they call the *Torah ſheba hal phi* or the *Oral* Law, I have in my diſcourſe of the *Samaritans*, which I intend ſhortly to publiſh, lay'd it ſo flatly and ſo fairly upon the ground, that I am very confident it will never riſe any more, and as it lies now, it is with its face downwards not daring to outface the Sun, and that which is brighter then the Sun, the truth, any longer.

To conclude this firſt point, it is ſtill more pleaſant to conſider, that this reaſon which is aſſigned by *Maimonides* of the prohibition of Blood, was not a ſingle reaſon by it ſelf, but was in conſequence of a Principle by which he pretended to explain ſeveral other things. *Multarum Legum* ſaith he, *rationes & cauſæ mihi innotuerunt, ex cognitione fidei, rituum, & cultûs Zabiorum.* And the *Doctor* acquaints us, as from the *Rabbin* himſelf, that *it was according to his principles, who thought the reaſon of all the Ceremonial Precepts was to be fetched from ſome ſuch accidental grounds.* But if his Principles led him, as they did in this inſtance of abſtaining from Blood, to contradict the expreſs words of the Scripture and of God himſelf, what credit is to be given to the Authority of a man, who proceeds

ceeds not only upon so absurd, but also upon so impious and detestable a Principle as this, or had he not as good have told us in fewer words, that he was wiser then his Maker, and that he understood the meaning of the *Mosaic* Laws better than he that made them. Besides, that it is in general a false principle appears from this, that all the Ceremonies in the Law of *Moses*, were for the most part of a *Symbolical* Nature, and this is the true key which is all along to let us into their meaning, insomuch that even this prohibition of Blood of which another reason hath been already assigned, is also founded upon a *Symbolical* bottom, and was intended as an ænigmatical and figurative prohibition of all sorts of cruel and sanguinary courses, as appears not only from the general constitution of the Law of *Moses*, which was, like the religion of all the *Eastern* world, of an *Hieroglyphick* and *Symbolick* Nature, but also from the express words of God himself in that Chapter of *Leviticus*, which I have last produced, *for it* (the Blood) *is the life of all flesh; the Blood of it is for the life thereof:* To intimate to us that this abstinence from Blood was intended *Symbolically* to denote a caution that we do not wrongfully or unjustly take away the life

life of another, and becauſe it was the *life of all Fleſh*, therefore it was uſed by way of expiation, God being graciouſly pleaſed to accept the life of the ſacrifice inſtead of that of the Offender himſelf, and to *eat Bulls Fleſh*, and *drink the Blood of Goats*, when he might in Juſtice have exacted the life of men, and might have enacted without any wrong to any of his attributes, that he that had ſinned ſhould die in his own perſon; and I appeal to all the World, of what Credit or Authority his expoſitions or determinations ought to be, who hath either never had, or hath loſt that *Symbolical* Key, by which alone the Law of *Moſes* can be opened, and inſtead of that hath ſubſtituted another in its ſtead which is ſo flat a contradiction to the expreſs words of Scripture and to the Laws it pretends to explain, a Key that may break the Lock and it ſelf, but can never fairly open the door, a Key ſo very unfit for what it pretends to do, that a pick-lock is a much more hopeful way of letting us into the ſacred Temple of Truth, than all the bunch of Keys that make ſo learned and ſo loud a noiſe at the girdle of a *Rabbi*.

And is not this exceeding fine, when the Law of God enjoyns expreſly this Abſti-

nence from Blood, and sets down expressly the particular Reasons upon which this Abstinence was founded; because it was *an Atonement for the Soul*; and because it was the *life of all flesh*; yet the *Rabbins* think much to pay Obedience to this Law, for the Reason upon which it was made, and upon which alone God expected an Obedience from them, but they will needs do it for a Reason of their own, because the *Zabians*, a certain sort of people that no body knows where or who they are, were used to feed upon the Sacrificial Blood, therefore, and therefore only they think it fit to abstain; as much as to say, They will indeed obey the Law of God, but not out of a Principle of Obedience to him, but out of a Spirit of opposition to their Neighbours, if indeed these *Zabii* were so near Neighbours to the *Jews*, as is pretended, and are not rather to be looked for in *Lucian* περὶ ἀληθοῦς ἱστορίας, or in *Hevelius* his learned Mapps of the *Bedlam* World in the Moon. Or is not this exactly the Picture of our *Sectarian Malecontents*, whose chief Scruple against Obedience, is, because good Subjects practise it, and the Laws command it; and the only way to make them good Christians or tolerable Subjects, is to enjoyn Separation and Faction by a Law.

The

The second thing in which the *Rabbins* pretend to have received great light from the Customs of the *Zabii*, for the clearer understanding of the Law of *Moses*, concerns the Prohibition of seething of a Kid in the Milk of its Dam, *Exod.* 23. 19. *The first of the first-fruits of thy land thou shalt bring into the House of the Lord thy God. Thou shalt not seethe a Kid in his Mothers Milk*, and why not? a Question very luckily ask'd, just as *Don Isaac Abrabanel* comes by, and very spruce he is in his *Jom tob* Attire, a Plush Jacket and a Lace-band, but neither *Point de Venice*, nor *Colbertine*, nor any other sort of Point whatsoever; for the *Rabbins* hate Points, though they made 'em themselves; and therefore since it is our good Fortune to meet so luckily with this great *Rabboni*, let us ask *his* opinion of the Reason of this Law.

Pray, Sir, you that are a Master in *Israel*, you that were privy to all the Conferences of *Moses* upon *Sinai*; you that writ down all the Traditions as they were delivered, and took the Thunder and the Lightning of the Mount, in short-hand; Pardon me, I beseech you, mighty Sir, if I the vilest of the *Gojim*, the veriest Heretick of all the *Minim*, the most contemptible and unworthy of all the Children of *Cuth*, approach the awful

and venerable preſence of your *Hagaon Raphſhippe*; not the *Aſs* of *Iſſachar* in a Lyon's skin, but the very *Lyon* it ſelf of the Tribe of *Judah*, with an important Queſtion fit only to be reſolved by a *Maſter of Aſſemblies*; this Gentleman and I, and pleaſe your Lordſhip, have laid a ſmall Wager concerning the meaning of that place of *Exodus*, c. 23. 19. *Thou ſhalt not ſeethe a Kid in his Mothers milk*; and we were agreed to be determin'd by the next famous *Rabbin* that came by. Abrab. *Hajother nirreh Bizeh ſhehajah mimahaſeh hobdei habodath Elilim.*

'Je n' entende pas de mots Hebreux, par-'lez vous Anglois, Monſeignieur? *A.* Oues, 'Monſieur, je parle Anglois, Francoiſe, E-'ſcoſſe, Eſpagniol, Italien, Allemagn, E-'breu, Grec, Latin, Arabien, Ethiopien, 'Sclavonien, Grand Mogor, Preſtre Jean, 'toutes les Langues, *B.* En veritè, Mon-'ſeignieur, vos eſtès le plus admirable de tout 'le monde. Parlez donc un peu d' Anglois, ſil vous plaiſt, Monſeignieur. *Abrab.* Why then in ſhort, Sir, thus, for I am in great haſte, we are about returning to the Land of Promiſe, and have a great deal of Buſineſs to diſpatch, and Lumber to remove.

True Notion, p. 13. *It ſeems moſt probable, that this Command was occaſioned from a cuſtom among the idolatrous*

trous Heathens, that at the time of their gathering in of Fruits, they were wont to boil a Kid in the Dam's Milk, thinking that by this means they were made acceptable to their Gods, and did procure a Bleſſing by it. And ſo having told his Tale, away goes he in ſmoaking haſte, without ſtaying to anſwer Scruples and Objections, to pack up his Awls for *Jeruſalem* and the Land of Promiſe, where he deſigns to be no leſs than King, and is full of Projects and Expeditions againſt the *Turk* and *Tartar*, and *Perſian*, and I know not who beſides.

But however ſince he is gone, let him go, and though it be ſcarce civil to object againſt a man behind his back, yet ſince it is neceſſary for the diſcovery of the truth, I hope we ſhall at leaſt be excuſed, and I deſire it may be conſidered to the advantage of our Cauſe, that his flying for the ſame, is a plain Argument, that he cannot anſwer what ſhall be objected.

And does it then *ſeem moſt probable, that this Command was occaſioned from a Cuſtom among the idolatrous Heathens*; but I pray, why does it *ſeem* ſo? have you this upon the credit of any good Hiſtorian? then it does more than *ſeem* ſo; and we have the ſame reaſon to believe it with any other matter of Fact whatſoever, which our own Eyes

did not see; but if you have it not upon any credible Testimony, then why does it *seem* so at all? or may not any thing else, that which is flatly contradictory to this *seeming* and incompatible with it, *seem* so as well? 'Tis a fine Trade indeed, when men shall first make Stories, and then believe 'em themselves, and say it *seems* so, and then impose 'em upon the World, as if they were really true. But it *seems* to *confirm*
P. 14. *this gloss, he tells us of a Custom somewhat like to this, used in his time in some parts of* Spain; and we perhaps might have been so silly to believe him, if he had not spoiled his Authority already; or if we knew distinctly whether this Custom were among the *Spaniards* or *Moors*, that we might have fair play to examine into its Truth; or if we knew what was the meaning of a *Custom somewhat like*, for a *Custom somewhat like* is a *Custom somewhat unlike* too, and how much that is, no body knows.

But because Abrabanel *doth not tell his*
P. 14. ib. *Tale so handsomly as he should*, there is a learned *Karraite* called in to help him out; and these *Karraites*, you must know, are desperate Fellows at a dead lift; they are a sort of
P. 15. ib. *Talmudical Dissenters*, that *reject all Traditions which are not grounded upon Scripture*; they will submit to nothing, if you cannot prove

prove it out of a direct Text in the Bible: and yet very honest Gentleman for all that, and just like the Dissenters of our times, who will neither Eat nor Drink without a Text to justifie the Action, and believe no tales but what they make themselves. They are no *Irish Evidence*, I assure you, and therefore I hope you will believe what they say; and that which they say, is this:

It was a Custom of the ancient Heathens, when they had gathered in all their Fruits, to take a Kid and boil it in the Dam's milk, and then Derek Cashephah, *in a Magical way, to go about and besprinkle with it all their Trees, and Fields, and Gardens, and Orchards,* (certainly this must needs raise the price of the Commodity, and make it almost as dear as *Bristol* Milk) *thinking by this means they should make them fructifie, and bring forth fruit again more abundantly the following Year.* And for this Reason, saith the Doctor, God forbad his people the *Jews*, at the time of their in-gathering, to use any such Idolatrous or Superstitious Rite.

And yet these are the Men that *reject all Traditions that are not grounded on Scripture*; so that if we were to appeal to themselves for the truth of this Story, all the Question would be, Whether this were a Tradition of the *Rabbanim* for the Explanation of Scripture which is not grounded upon the Scripture it self; And the Question, I think, is easily determined, if the Doctors own Concessions and Quotations do not deceive us; or if the Bible of the *Karraites* be the same with ours, and that they had such things as Traditions of their own, though they rejected those of the *Rabbins*; and a Tradition is a Tradition let it be whose it will, appears from another Passage in his *Karraitish* M. S. where the Author tells us *she col Jisrael modim*, That *it is confessed by all* Israel, *that from the time of the Kingdom, they were ever wont to consecrate the New Moons by the* עדות; and this being a Tradition of so great use, and of so necessary Relation to the observance of their New Moons, and by consequence of all their Feasts, this is another Instance of the *Karraites* expounding Scripture by Tradition. And they expresly tell us, after a little pause, that it is not a Tradition in *general*, but a Tradition of the *Rabbins*, contradicting the Traditions of their *Wisemen*, that is, of

P. 23. *ib.*

of the *Karraites*, themſelves, which is the thing rejected by them, if I underſtand any thing of that *Hebrew* Sentence, with which the *Doctor* hath obliged the φιλαρχαίους & φιλαλήθεις. And yet after all, we are not ſo much beholding to Tradition for this notion, that the ancient way of computing the New Moons was by the ὄψις, as to the nature of the thing it ſelf, and to this honeſt Countrey Reaſon, which no learned man can confute, that Eyes were made before either Almanacks or Letters.

And therefore this was the ancient way of the *Romans*, as well as of the *Jews*, before the *Faſti* were publiſhed by *Flavius*, the Scribe. *Macrobius*; *Priſcis temporibus, antequàm Faſti à* Cn. Flavio *Scribâ invitis patribus in omnium notitiam proderentur, Pontifici minori hæc provincia delegabatur, ut novæ Lunæ primum obſervaret aſpectum; viſamque Regi ſacrificulo nuntiaret*: that he might give notice, as I ſuppoſe, to the Countrey round about. But whether the Air were all tuned to the Key of *Mekaddaſh*, whether the Bells rung backward, and all the Beacons of the Countrey were fired, as if an Invaſion were threatned by the Man in the Moon, or the *Gauls* were ſet down once more before the *Capitol*; of that *Macrobius* ſaith nothing at all. *Saturnal. l.* 1. *c.* 15.

P. 24. *ib.*

But

But the chief Excellency of all of this *Karraitish* Notion is behind, for he tells us, That this hath been *the Custom of* Israel *ever since the Kingdom, to compute the New Moons by the* Phasis; as if it had not equally been so before, when this hath been proved by an Argument that cannot deceive, to have been the most ancient way of Computation. But yet as pretty as the Tradition is, the Reason which this Author alledges to confirm it, is still more pretty than the Tradition it
P. 24. *ib.* self; *the very Etymon*, saith he, *of the word* Chodesh, *implies so much, for it signifies the renewing of something, so that it is denominated from the change of the Moon or* Phasis, *as the* Epocha *or beginning of it.* Is it so? but why might not this *change* of the Moon, which is the *renewal* of it, be computed either way from the *Phasis*, or by the *Calendar*, or only by the latter of these, as it was actually for many Years, and then what becomes of this *hopeful Etymology*, which concerns one way of Computation no more than the other, but only proceeds upon a Supposition, that the Moon is *renewed* as the *Calendar* does? Or, what if I should prove, as I shall do by and by, that the middle of the Month, or the time of the full-Moon was anciently called the *Renewal* of it, although that *Renewal* were

were not measured by the *Phasis*, but by the *Calendar*, and indeed by a very unequal Computation? for the *Idus* among the *Romans*, which is no other, as I shall shew, than the *Hebrew Chiddoush*, and signifies *Renovation*, if the Nones were *quintanæ* fell upon the *fourteenth*, but if they were *septimanæ*, upon the *sixteenth* day of the Month; and this must be granted to be a considerable difference in the Computation, though the motion of the Moon be equal and the same in one Month, as another.

But after all, the *Karraites* are like other *Dissenters*, and though they are all united in a common hatred against the *Rabbanim*, to whom the best Language they can give, is, That they are *Papists* and *Tories*, and all the *bad Names*, and *stinking things* that *Billinsgate* can afford, yet are they not agreed among themselves, but the same Spirit of opposition that separates them from the *Traditionary Jews*, divides each *Karraite* from his nearest Neighbour; and for ought we know, the same man may be fallen out with himself, and then it will be very hard to arbitrate the difference, when a man quarrels in despite of himself, or to bring two parties to a better understanding, that are so entirely angry with one another. For so the Doctor citing a Passage

out

out of his *Karraitiſh* M. S. a learned Book that hath neither head nor tail, if we may believe a man that does not always ſpeak truth, ſubjoyns immediately the following words, *and I produce this the rather, becauſe Abrabanel, toward the end of his comment on this place, mentions a gloſs of ſome* Karraiteiſh *Author upon it, although it be altogether unlike to this which we have here related*, ſcribunt ſapientes *Karræorum* nè coquas hædum in lacte matris ſuæ, hoc eſt, nè commiſceatur germen cùm radicibus.

True notion. p. 15. p. 14. *ib.*

So that the *Karraites* themſelves not being certainly determined what to ſay, or what reaſon to aſſign of this prohibition of the Law of *Moſes*, ſometimes referring it to an abhorrence of the *Zabii*, and at other times to a *Symbolical* reaſon, I hope we are no longer obliged by their Authority, who confeſs themſelves to be ſo much in doubt, and by their uneaſie riggling out of one way of ſolution into another, to be altogether ignorant of the matter; but, though I am far from doing this upon the Authority of any *Karraite* of them all, the *Karraites* themſelves being every whit as ignorant and as ſoppiſh as the reſt, yet becauſe it is agreeable to the grain and *genius* of the Law of *Moſes*, which proceeds

ceeds almost wholly upon *Symbolical* grounds, I affirm this last to be a very good solution of the difficulty proposed. *Nè coquas hædum in lacte matris suæ, hoc est, nè commisceatur germen cum radicibus.* That is, it is a prohibition of all incestuous and unnatural copulations in the ascending and descending lines, for so if Mother and Son should commit uncleanness together, there is in both respects, in the Act it self and in the consequences of it, *germen cùm radicibus*, and the infant begotten by such a foul conjunction, as long as it continues after the first *vitality* be formed, and fed and nourished in the Womb, is in the *Symbolick* language, so commonly used and so well understood at that time in the East, *Hædus in lacte matris suæ, a kid seethed in the milk of its Mother.*

There are other expositions which in my own thoughts I did formerly pitch upon my self, which might be assigned as the meaning of this place, but not to fall too foul upon the *Hebrew Doctors* where there is no occasion, I must acknowledge that I am infinitely pleased and satisfied with this, though it be expressed after such a manner, that it will require some thoughtfulness and a little dexterity in matters of this nature to pick out the meaning of the comment

ment, as well as of the Text, and yet after all, I do not allow of this, as a *traditionary exposition* upon the testimony either of a *Karraite* or of any other, but as an ingenious conjecture at the meaning of the place, and it would be hard not to allow the *Rabbins* so much, as well as other men, that by considering a place of Scripture they may sometimes pick out its true meaning, though it is certain they are generally men of shallow parts, and that where there is any thing of Judgment or of nicety required, they are much oftner mistaken then they are in the right.

Such another *Symbolical* prohibition as this, is that of *Deuter.* 22. 6, 7. *If a Birds nest chance to be before thee in the way, in any Tree, or on the ground, whether they bee Young ones or Eggs and the Dam sitting upon the Young ones, or upon the Eggs, thou shalt not take the Dam with the Young, but thou shalt in any wise let the Dam go, and take the Young to thee, that it may be well with thee, and that thou mayest prolong thy days.* Which precept as well as that other of *not seething of a Kid in the Milk of its Dam*, though I make no question but it was also *literally* to be observed, yet it was moreover a *Symbolical* prohibition of all kinds and instances of cruelty

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or injuſtice, becauſe in this caſe the young ones may be bred up by hand, and will be well enough pleaſed with the confinement of a Cage, but the old one that hath been uſed to liberty and the open air will pine and be ſullen, and periſh for want of food, ſo that it is cruelty to take the Dam together with the young ones, and when the Scripture enforces a Law that is in its *literal* ſenſe of ſo little avail or ſignification with ſo great a ſanction as this, *that it may be well with thee and that thou mayeſt prolong thy days*; It is as much as to ſay in more comprehenſive terms, that God will ſhew mercy to men that ſhew it to one another, but that all manner of cruelty or injuſtice his Soul hateth, and they are a perfect abomination unto him. So alſo *v.* 8. of the ſame Chapter, *When thou buildeſt a new Houſe, then thou ſhalt make a battelment for thy roof, that thou bring not Blood upon thine Houſe, if any man fall from thence.* Not that there was ſo great danger of mens breaking their necks every day in the Week, or every hour in the day, if men had not balliſters round about upon the leads of their Houſes, or that the inconveniences which thoſe rails would prevent, were great enough to compenſate even the charge of making them through all the Land

Land of *Israel*, but the reason why they were set up being here so plainly set down, it is as much as if God had said, that he intended them for a *standing Symbol* of mercy, and that men were not only to avoid shedding of Blood out of *set purpose* and *malice prepense*, but also to beware as much as might be of all the *accidental* occasions and avenues to it.

So also *v.* 9, 10, 11. *Thou shalt not sow thy Vineyard with divers seeds, lest the fruit of thy seed which thou hast sown and the fruit of thy Vineyard be defiled, thou shalt not plow with an Ox and an Ass together, thou shalt not wear a Garment of divers sorts, as of Wollen and Linnen together.* Shall we think that these were forbidden to the *Jews*, or that the *Jews* themselves abstained from them only out of a cross-graind, *covenanting* humour, because the *Zabii* sowed and plowed and were apparelled in that manner? No certainly there can be nothing more ridiculous than to extend the *Zabian Hypothesis* to all these prohibitions in the Law of *Moses*? And yet nothing can be more reasonable neither, if what *Maimonides* has acquainted us be true, that the practices of the *Zabii* are not only avoided in the abstinence from Blood, and from the seething a Kid in the Milk

Milk of its Dam, but are to be lay'd down as a Principle by which other Negative Precepts are to be explained, and if this be not a true principle, as certainly it is not, how can any man think himself obliged to acquiesce barely in the Authority of *Maimonides*, who is guilty of an error, that branches it self out into so many several mistakes, and is so fruitful of falshood and deceit, without other good Authority from the reason of the thing, or from the testimony of honester and wiser men? Or is not this way of solution, under pretence of Learning, rather to be interpreted as a confession of Ignorance, and as the *Peripateticks* and the *Schoolmen* flye to *occult qualities* and *substantial forms* when nothing else can be found to give a satisfactory answer; so here when the *Rabbins* are gotten into the dark, and cannot find their way out of a prohibition, they call to the *Zabii* to lend them their hands, and thus the blind lead the blind, and then no wonder if both of them fall into the ditch of error, instead of that at the bottom of which *Democritus* was used to say the truth it self lay concealed. Only there is this difference betwixt the *Aristotelians* and the *Rabbins* that when the one flies to a *Quiddity* or an *Entelechia* for want of something more

plain and satisfactory to say, though it be a Confession of Ignorance, yet it is an Argument of Modesty too, to acknowledge themselves, though by an hard word, to be unequal to the Mysteries of Nature, with whose sacred Depths, upon a serious and impartial Examination of the whole Matter, the *Corpuscularian* Philosophers will be found to be as little acquainted as the *Aristotelians* themselves; but when the *Rabbins*, to explain that which they do not understand, are so bold to impose their own Figments and Inventions, as the voice of God, and the only true expositions of the Divine Law, what is this, but a Blasphemous and execrable conjunction of the most childish Ignorance, and the most effronted Impudence together?

But if instead of the Dreams of *Maimonides* and his very inconsiderate, however haughty and assuming Disciples, we will submit our selves to the infallible Conduct of that excellent Clue which the Law it self has given us for our direction through the Mysterious Labyrinth of Antiquity, it will then be as difficult to lose our way, as it is now to find it by the glaring and specious, but deceitful Light of the *Rabbinical* Pretenders.

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The Law it self gave this Reason why the Vineyard was not to be sown with diverse Seeds, *lest the Fruit of the Seed which thou hast sown, and the Fruit of the Vineyard be defiled.* And if you ask wherein this Defilement consisted, the answer is at hand, that it was not a Natural, but a *Symbolical* Defilement, it was not a *real* Defilement in it self, but it was a *Symbolical Prohibition* of that which was. And the same account is to be given of those other Prohibitions, that an *Ox and an Ass* were not *to Plough together*, and that no man was to wear *a Garment of divers sorts, of Linnen and Woollen* together; and as the negative Precept, which hath been already explained, of *not seething of a Kid in the milk of its Mother*, was an ænigmatical Prohibition of incestuous Copulations in the directly or obliquely ascending and descending lines, for both of these are equally forbidden by the *Levitical* Law, so were these Laws which have been last recited, a modest and clean way of forbidding those Brutalities and Bestial Conjunctions, of which the *Amorites* were guilty, and which were not forbidden the *Jews*, only because the *Zabians*, if any such people there were, or the *Amorites* allowed themselves in the practice of so foul, so horrid, so detestable a sin; but because it

was the higheſt reproach and indignity that could be put upon the Image of God in the Nature of man, becauſe it was ſo plainly againſt the Intereſt of Society, becauſe it carries in its execrable Womb ſuch Monſters of impiety, as no Repentance, no Prayers, no Sacrifice can expiate, becauſe it brings an Univerſal Deluge upon all thoſe wholeſome Principles of Chaſtity, Sobriety, and Religious Fear, without which no Nation can be happy, nor any Government ſecure; or to ſum up all in a word, God does not forbid any thing for no Reaſon at all, but only for his own arbitrary Will, or out of a Peeviſhneſs inconſiſtent with the Perfection and Happineſs of his bleſſed Nature, becauſe the ſame things are practiſed by thoſe againſt whom he hath taken a *Calviniſtical* and unaccountable Pique; but it is either upon a *Symbolical* Reaſon for the ſake of ſomewhat that is morally evil, or becauſe of the intrinſick and eternal Turpitude of the thing in its own Nature.

And that this was the true reaſon of all thoſe Prohibitions which I have laſt recited, I gather from their extream reſemblance and likeneſs to one another in themſelves, compared with the Expoſition of no leſs than two of the three, which is to be found expreſly ſet down, *Levit.* 19. 19. *Thou ſhalt not*

not let thy Cattle gender with a divers kind: Thou ſhalt not ſow thy field with mingled Seed: neither ſhalt thou let a Garment mingled of Linen and Wollen come upon thee. Where, in the firſt place, we are to take notice, that though Cattle be only mentioned in this prohibition, yet Mankind is included under it *à fortiori*; becauſe the natural Reaſon why ſuch unnatural Conjunctions are forbidden in Beaſts, is, becauſe they are enemies to Generation, they would ſpoil all the breeds of the ſeveral Kinds and Species in the World; and they would generally beget nothing but Monſters, ungrateful to the ſight, not fitted with ſuch Organs as are neceſſary to make them Vital; or, as is ſeen in the Experience of Mules, unable to propagate themſelves by Generation; and therefore here our Saviours Argument takes place, *Matt.* 6. 26. *Behold the Fowls of the Air: for they ſow not, neither do they reap, nor gather into Barns; yet your heavenly Father feedeth them. Are ye not much better than they?* And again, *v.* 28, 29, 30. *And why take ye thought for Raiment? Conſider the Lillies of the fields how they grow; they toil not, neither do they ſpin. And yet I ſay unto you, that even* Solomon *in all his Glory was not arrayed like one of theſe. Wherefore if God ſo cloath the Graſs of the*

field, which to day is, and to morrow is cast into the Oven, shall he not much more cloath you, O ye of little Faith? And the same Argument in the instance of a Sparrow, is made use of, *c.* 10. 29, 30, 31. *Are not two Sparrows sold for a Farthing? and one of them shall not fall on the ground without your Father. But the very hairs of your head are all numbred. Fear ye not therefore, ye are of more value than many Sparrows.* And so I say in this Case, if God forbid the unnatural Conjunctions of different Kinds of Animals for the better preservation of their respective Species, he is much more to be supposed to forbid the same in men themselves, because *the hairs of their heads are all numbred*; that is, he takes a more solicitous care of the Welfare of man, who is placed over the rest of the Creatures, as God is over him; and he is in some sense, the God of this lower World, though with respect to his Maker, he is but the Priest of this magnificent Temple, to thank, and praise God for himself, and for, and in behalf of all those Creatures, that are not able to do it for themselves; he is Lord of the Earth, but a Servant to Heaven; he is like *Eleazer*, who was a Servant to *Abraham*, though *he ruled over all his house*, and was the Master over all besides; or like

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Melchiſedech the King of *Salem*, to whom though *Abraham* payed Tithes, yet he himſelf was but the Prieſt of the moſt High God, the God of Gods, and Lord of Lords, God over all, bleſſed for ever.

Another thing to be conſidered upon occaſion of theſe words, *Thou ſhalt not let thy Cattle gender with a divers Kind*, is this, That Cattle very ſeldom or never do gender with any Kind, but their own; and thoſe few Inſtances of this kind that are, it is perhaps impoſſible to prevent, unleſs we ſhall ſuppoſe the *Jews* obliged by this Precept to ſit up day and night to watch by their Cattle, for fear of any ſuch Heterogeneous Conjunctions, which I hope no man will be ſo extremely credulous and ſilly as to believe. From whence it follows plainly, that there are but two things that can be inferred from this negative Law; the firſt is this: There were then as well as now, a certain ſort of Creatures called *Mules*, that were of a mixt or *Hybridian* kind, engendred betwixt Horſes and Aſſes in Conjunction together, of which the firſt mention is made, *Gen.* 36. 24. *This was that* Anah, *that found the Mules in the Wilderneſs, as he fed the Aſſes of* Zibeon *his Father*; And theſe, as being very fit for ſervice and for burthen, were induſtriouſly propagated by

the Husbandry of those times; but because they were of a mixt and Heterogeneous Nature, because they proceeded from such unnatural Copulations, as were so detestable in the sight of God, because they could not propagate their Kind by Generation, and because all such *miscellaneous* and *Heterogeneous* things had a *Levitical* or *Symbolical* Uncleanness, they were forbidden by the Law of *Moses*.

Secondly, when that is forbidden to Beasts, which is so unnatural to them, that they scarce ever use it, and which so much as they do, it is scarce humanly possible to prevent, this is rather to be interpreted in such a Sense as if it were only a more modest and a more cleanly way of Prohibiting the same abominable Practises in men; as much as to say, Do not you, by any means, defile your selves, though the *Amorites* and other Nations whom I have destroyed, have done it with those detestable Instances of the most degenerate and filthy Lust, which are a Disgrace and Scandal to the Beasts themselves.

But then in the last place when to this Prohibition, *Thou shalt not let thy Cattle gender with a divers Kind*, it is immediately added, *Thou shalt not sow thy field with mingled Seed: neither shall a Garment mingled of Linen and Wollen come upon thee*;

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It is very fooliſh and abſurd to imagine, that things in their own nature perfectly indifferent, things that have no natural Pravity or Defilement in them, ſhould be equally forbidden with the greateſt Villanies that Wickedneſs it ſelf can either deviſe or perpetrate, if it were not upon account of a *Symbolical* Uncleanneſs, though they have none of their own; and ſince there cannot be a *more natural* Symbol of Heterogeneous Copulations in Animals, than the *ſowing of a field*, or a *Vineyard with divers ſeeds*, or then the wearing a *Garment of divers ſorts* of Stuff, and ſince theſe are joyned in the Context with the other; I think for my part, that nothing can be more plain, than that the ſame thing is *over* and *over* Symbolically forbidden; and theſe Prohibitions being again inculcated, *Deut.* 22. 9, 10, 11. and under ſo great a Sanction, which is to be added καὶ ταῦτα to all thoſe Laws, *That it may be well with thee, and that thou mayſt prolong thy days*: This is to ſhow us how ſolicitous the Divine Goodneſs is for the Welfare of Mankind, in which all theſe Prohibitions are manifeſtly founded; and it ought to fill us with an equal ſolicitude to pleaſe ſo merciful and ſo gracious a Being, who hath thus linked our Duty and our Intereſt together, and expects no inſtance of Obedi-

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ence from us, but what is for our own Advantage, as well as it is an Act of Homage and Allegiance to him.

But yet I do not so wholly confine my self to this Interpretation of the *Mosaic* Laws, which have been last recited, as to affirm, they had no other, for though that be certainly one meaning which I have assigned, yet this hinders not, but other very probable interpretations may be admitted, as being equally connected in the *Symbolical way* to the types and shadows contained in the words of those Laws; and therefore when the *Jews* were prohibited to *Plow* with an *Ox* and an *Ass*; or wear *Linsey Wolsey*, or to sow a *Field* or *Vineyard* with *two sorts* of Seeds, another meaning of these *Figurative* Precepts may very well be supposed to be one of *these two things*, or indeed both of them together.

First, They were forbidden under these Types and Figures all manner of *Hypocrisie* and *Dissimulation*, they were not to have *an heart and an heart*, as the *Hebrew Idiom* excellently expresses it, but their Actions and Pretences were to be of the same Grain and Colour with one another, and their outward Appearances were to be but Copies of the orginal Realities within. Secondly, by the same Prohibitions they were

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ænigmatically forwarned against all kind of *lukewarmneſs* and *indifference*, they were to be *true Blew*, not *parti-colour'd* men, or of a *faint* and *Yellow* dye, not *Phy'lemorts*, not halters between two parties and different opinions; for ſyncerity and heartineſs in every thing we do, is ſo much for the benefit of the world, and for the intereſt of mankind, and ſo like to God, who is the fountain of truth, and is what he is to the utmoſt of himſelf, that though the ſacrifice of the wicked be an abomination to him, yet open wickedneſs it ſelf is an acceptable ſacrifice in comparison of *coldneſs* and *indifference* and *diſſimulation*.

Another Law which I ſhall mention to ſhew that the *Zabians* do not keep the Key of the Cabinet of *Moſes*, but that the true Method of finding out the meaning and deſign of all his Inſtitutions, is to ſearch for it in the *Symbolick* or *Hieroglyphick* way, ſhall be that of *Levit.* 19. 23, 24, 25. concerning the Fruits of Trees. *And when ye ſhall come into the Land, and ſhall have Planted all manner of Trees for Food, then ye ſhall count the Fruit thereof as uncircumciſed: Three Years ſhall it be as uncircumciſed*

ciſed unto you, it ſhall not be eaten of. But in the fourth Year all the Fruit thereof ſhall be Holy to Praiſe the Lord withal; and in the fifth Year ſhall ye eat of the Fruit thereof, that it may yield unto you the Increaſe thereof. I am the Lord your God.

Now I dare appeal to all Mankind, would it not be very pleaſant to ſay, the reaſon why the *Jews* were ſo long before they Offered of their Fruits to God, and ſo much longer before they partook of them themſelves, was to be taken from the *Zabii*, who were uſed to do theſe things either ſooner or later than the *Jews* are commanded to do? Or would it not be every whit as excuſable to ſay, that the reaſon why the *Jews* ate any Victuals at all, was becauſe the *Zabii* never did? And yet there is no help for it; but the Cuſtoms of the *Zabii* muſt explain this Law as well as any other, if it be true that their Practiſes are to be laid down as an *Hypotheſis* by which the reaſon of the Law of *Moſes* is to be explained.

But not to concern our ſelves any further with this miſerable tool of an Expedient, the moſt fooliſh and ridiculous that ever was invented. The *Fruit* was *uncircumciſed*; that is, it was unhallowed, or unclean, or unlawful to be uſed for *three Years*, becauſe

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till after then, their Juice was crude and unconcocted, and therefore it was yet unfit to be Offered to God, to whom, as every thing which was uſed in Food, was in ſome ſmall proportion firſt to be Conſecrated and Offered up, that ſo the *Primitiæ* might Hallow and Sanctifie the uſe of the reſt; and that by this means an acknowledgment might be made, to whom they were indebted for all the Neceſſaries, and all the Conveniencies or Delicacies of Humane Life, ſo was the Offering to be of the beſt in its kind, becauſe this was a Teſtimony of the moſt profound reſpect, and was an acknowledgment of the Excellence of his Nature. And then after this it was permitted to be eaten, but not before; for the ſame reaſon for which it was unlawful in other Caſes [illegible] *to eat of that of which no part had before hand been Sacrificed*, by way of Acknowledgment and Thankfulneſs to the giver of it; and therefore of theſe Fruit-Trees it is ſaid, *When ye ſhall come into the Land, and ſhall have Planted all manner of Trees for food*, to intimate, that of thoſe Trees of which there was no uſe in Food, there was no need to make any Offering neither; as it was in Animals, for the unclean Beaſts which were not permitted in Food, would not

not be accepted in Sacrifice neither. And so in proportion, those Creatures that are the soonest in a condition to be eaten, are likewise the soonest fit for Sacrifice, as I gather from that of *Pliny*, *l.* 8. *c.* 51. *Suis fœtus Sacrificio die quinto purus est, pecori die octavo.* For both these Animals being permitted in Food among the *Romans*, who were used to abuse the *Jews* for their abstinence from Swines Flesh, and among whom the *Sumen* was accounted so delicate a Dish; the Reason why one was capable of being Sacrificed sooner than the other, was without question to be derived from this, that it was sooner fit for Food.

Farther yet as another argument, besides what hath been already very largely represented upon this Subject, that the Law of *Moses* did neither forbid nor command any thing, how commodious or hurtful soever the thing forbidden or commanded might be in it self, meerly because the *Ægyptians* or the *Zabians* or any other *Heathen* Nation did either practise or disallow it; I shall instance in Circumcision it self which was the peculiar mark of the Covenant which God had entred into with *Abraham* and his Posterity, & which seems to have been practised very anciently, among the all *Eastern* Nations, the *Philistines* only excepted,

cepted, who are the only Men in Scripture that are reproached with uncircumcision, and by the *Philistines*, I mean all the Inhabitants of *Palestine* but the *Jews*. *Herodotus*, and out of him *Josephus* in his first against *Appion*, mentions many Nations by whom this rite hath been very anciently practised, and the *Jews* at this rate of arguing would have been obliged to leave it off, at least when not only in the thing it self, but in the manner of it, they saw themselves so exactly Imitated by Barbarous and Idolatrous People; for the Priests of *Cybele*, did not only use the rite of Circumcision, but they performed it with a sharp Stone, in the same manner that *Zipporah* Circumcised her Son. *Juvenal.*

Semivir, obscæno facies reverenda minori,
Mollia qui ruptâ secuit genitalia testâ.

v. Etiam Selden alicubi in de Diis Syriis ex Strabone.

And the same may be said likewise of that Custom, *Exod.* 21, from *v.* 2, to 6. in these words, 2. *If thou buy an Hebrew Servant, six years he shall serve, and in the seventh he shall go out free for nothing.* 3. *If he came in by himself, he shall go out by himself; if he were Married, then his Wife shall go out with him.* 4. *If his Master have given*

given him a Wife, and she have born him Sons or Daughters; the Wife and her Children shall be her Masters, and he shall go out by himself. 5. *And if the Servant shall plainly say, I love my Master, my Wife and my Children, I will not go out free:* 6. *Then his Master shall bring him unto the Judges; he shall also bring him to the Door, or unto the Door-post, and his Master shall bore his Ear through with an Aul, and he shall serve him for ever.* For this custom obtained in other places of the East, as well as in *Judæa*, as is manifest from another passage in the same Author.

Sed Libertinus prior est, prior, inquit, ego adsum,
Quid timeam, dubitemve locum defendere, quamvis
Natus ad Euphraten, molles quod in aure fenestræ
Arguerint, licet ipse negem?

The reason of which Ceremony was, that the *Ear* was aunciently looked upon as a *Symbol* of *Obedience*, because hearing is a necessary Prærequisite in order to it, from whence it is that as *Ozen* in *Hebrew*, signifies an *Ear*, so the Verb in *Hiphil Heezin* derived from it, signifies to *give*

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an aweful and dutiful attention, and ſo *Lamech* uſes it, *Gen.*4.23. ſpeaking to his two Wives *Adah* and *Zillah*, with the Authority of an Husband in thoſe times, which we have already ſhewn to be very great, *Shmahan Coli*, *Neſhei Lemech*, *Haazenah Imrathi*. *Hear my voice ye Wives of* Lamech, *hearken unto my ſpeech*, and thence in *Greek* ὑπακούειν and in *Latin Obedire*, (that is, *Obaudire*) and *Auſcultari* ſignifies to *Obey*; and as the *Ear* was a *Symbol* of *Obedience* in the general, ſo the *boaring* of it, by the *Maſter* of the Family upon the *Door-poſt* of his *own* Houſe, were Ceremonies denoting the *Object* of this obedience, and ſpecifying in a more eſpecial and particular manner, to whom this Obedience was to be payed; and this explains that paſſage of the Pſalmiſt, *Pſ.* 40. 6. *Sacrifice and Offering thou didſt not deſire, mine Ears haſt thou opened*, that is, it is obedience rather than ſacrifice that God requires, according to that of *Samuel* to *Saul*, that *to Obey is better than Sacrifice, and to hearken than the fat of Rams*, though I am not ignorant that the *Greek Interpreters* have rendered this place to a far different ſenſe, and that they are followed in it by the Author to the *Hebrews*, however the ſenſe as it lies now in the *Maſorethical* Bibles muſt

v. L. Cappel. crit. ſacr. & Iſ. voſſ. de 70. Interp.

be acknowledged to be very good, and very ſutable to the context, and to the whole drift of that *Pſalm.*

Add to all this that the reaſon why the Servant was to be let free in the *ſeventh* year, was it ſelf alſo of a *Symbolical* nature, in memory of that *great ſabbatiſme* after the Creation of the World was finiſhed, upon which alſo the *weekly Sabbath* and the *Sabbatical Year*, and the Year of *Jubile*, which was the *great ſeptenary* multiplyed into it ſelf, depended; but though at the expiration of the ſixth Year, the *Hebrew* ſervant was at liberty himſelf, yet he could not carry his Wife and Family along with him, in caſe he did not bring them thither, but Married while himſelf was in the condition of a Servant, to another Servant of the ſame Family, becauſe in this caſe ſhe was only *Uxor Uſufructuaria*, and the Maſter of the Houſe did not loſe his propriety in her as a Servant, by ſuffering another to enjoy her as an Husband, and for the ſame reaſon the ſeventh year being intended only to releaſe the Perſon of him, who had put himſelf into a Voluntary Subjection, it did not extend to thoſe who were born in a ſtate of bondage, and did not come into the poſſeſſion of their Maſter by Compact or Agreement.

But

But yet notwithstanding, though they were not released together with their Father at the Seventh year, yet being come of *Israelitish* race, they were not in a state of perpetual servitude neither, but were to come out at the year of *Jubile*, and if the *Seventh* year, and the year of *Jubile* were coincident, then he and his Children were to go free together, Levit. 25. 41. *Then he shall depart from thee, both he and his Children with him*, and the same must be understood of his Wife also, supposing she were of the seed of *Abraham*; for this was the general Rule that none of their own Nation, upon any pretence whatsoever, without their own consent and choice were to be an *Hæreditary* and *Perpetual* possession, *Levit.* 25. 45, 46. and the year of *Jubile*, being the time when all things were restored to the old and true Proprietors, this was the time, when the disposal of every Man and Womans Person, as well as of *Estates* and *unalienable* Possessions did Naturally devolve upon themselves again; so that when it is said, Exod. 21. 7. *If a Man sell his Daughter to be a Maid-servant, she shall not go out as the Men-servants do*, this must be understood only of the *seventh* year, not of the year of *Jubile* when all things were restored, and as the

reaſon why the Maid and the Man-ſervant had not equal Priviledge, is to be referred to the different Eſteem and Dignity, which the one Sex had above the other in thoſe times, ſo the reaſon why ſhe alſo was reſtored to freedom at the year of *Jubile*, is to be referred, as hath been ſaid to this, that no perſon whatſoever of the Hebrew race, was to be an everlaſting and perpetual ſlave.

Thus I have conſidered the *Zabian Hypotheſis*, of which Doctor *Cudworth* is ſo fond, and upon which he hath thrown away ſo much Hebrew to no purpoſe, a thing as full of Oſtentation, and as empty of truth, as it's aſſertour; it is now high time to look back, and to conſider what it was which gave occaſion to this diſcourſe of the *Zabii*, which was this; I had demonſtrated beyond all poſſibility of doubt or ſcruple, that the old Partition of Inheritances which was eſtabliſhed by *Moſes*, and by *Joſhua*, allotting to every Tribe and Family a proportion of Land, which it was not in their Power to alienate from themſelves, any longer than till the Year of *Jubile*, was deſtroyed at the time of the Diviſion of the two Kingdoms of *Iſrael* and *Judah* from one another, and that one Conſequence of this Alteration, was, that

Pag. 237. *Supra.*

Uſury

Usury which was forbidden by the Law of *Moses*, for the continuance and preservation of that partition, must now of necessity begin to obtain, it being no where forbidden upon any other account, than only for the preservation of such a partition, as that of *Moses* was, from whence I took occasion to observe, what had before hand been sufficiently proved, by many other instances, that the *Jews* were so far from declining any thing purely, because it was practised by the neighbour Nations, without any other reason, that this very prohibition of Usury, if it be true that it was forbidden by the *Ægyptians*, as well as by the *Jews*, was but another instance, after many that had been taken notice of before, of the agreement of the Laws and Usages of the *Mosaick* dispensation, with those of the *Heathen* Nations round about, and therefore that it must needs be false, besides other very great inconsistencies and incongruities, which I have found in the thing it self, that the *Jews* abstained from any thing meerly because it was in use among the *Zabij*, as *Maimonides* would have them to have done.

And that this equality of Inheritances, which was engrafted into the Laws, not only of the *Ægyptians* and *Jews*, and from

thence of the *Athenians*, nay, and *Lacedemonians* too, if we may believe *Plutarch* in the life of *Lycurgus*, but also of the *Romans*, I say, that this equality cannot otherwise be preserved, than by a prohibition of Usury, besides the reason of the thing appears by the last instance of the *Romans*, among whom it is certain it did at first obtain. They are the words of *Sigonius*, a very good Judge in these cases. *Primum igitur Romulum Regem ex agro Publico viritim diviso bina jugera singulis assignasse invenio. Testis est hujus divisionis, præter Dionysium, Varro, cujus hæc verba sunt in libro de Re Rusticâ primo. Antiquus noster* (Romulus) *ante bellum Punicum pendebat bina jugera quod à populo primum divisa videbantur, viritim, quæ, quod hæredem sequebantur, Hæredium appellarunt*, and the same thing is no less plain from all the Colonies that were from time to time, deduced by the *Romans*, into the conquered places, in which you may see every where in *Livy*, there was an equality of distribution observed at first, but yet this equality could not be preserved, in a place where Usury was so excessively practised, as it was among the *Romans*, among whom many of the publick disturbances and commotions that happened were occasioned by

D. Sigon. *de antiq. Jur. Ital. l. 2. c. 2.*

by this ſort of oppreſſion, as may be ſeen up and down in many places in *Livy*.

And how could it poſſibly be otherwiſe, where Uſury was publickly allowed, and extortion privately practiſed, where Lands, when they were ſold, were ſold out-right, without any Year of *Jubile* in which they were to return to the old poſſeſſour again, but that a difference, as there will always be between one man and another, in induſtry, Frugality, Ingenuity, Craft, Ambition and the like, muſt very ſoon make the induſtry of one encroach upon the ſloath, the frugality of one upon the profuſeneſs, the ingenuity of one upon the dulneſs, the Ambition of one upon the Indifference, and the Knavery of one upon the honeſt and undeſigning temper of another.

From whence it came to paſs in the compaſs of not many years, that the diſproportion was ſo great, that it began to be complained of as a grievance by the poorer ſort, which occaſioned that Law of *Licinius Stolo*, *ne quis plus quingenta agri Jugera poſſideret*; which Law was afterwards broken by himſelf, and he ſeverely fined, *quod mille Jugerum agri cùm filio poſſideret; emancipandoque filium fraudem legi feciſſet.* *Liv. l. 6.* *ib. l. 7.*

Another uncontroulable teſtimony to the truth of this, as to matter of fact, beſides the natural evidence of the thing it ſelf, ſhall be taken from the Book and Story of *Nehemiah* c. 5. whoſe words I will here tranſcribe at large, from v. 1. to 12. incluſively.

1. *And there was a great cry of the People, and of their Wives, againſt their Brethren the* Jews. 2. *For there were that ſaid, We, our Sons and our Daughters are many: therefore we take up Corn for them, that we may eat, and live.* 3. *Some alſo there were that ſaid, We have Mortgaged our Lands, Vineyards, and Houſes, that we might buy Corn, becauſe of the dearth.* 4. *There were alſo that ſaid, We have borrowed money for the Kings tribute, and that upon our Lands and Vineyards.* 5. *Yet now our Fleſh is as the Fleſh of our Brethren, our Children as their Children: and lo, we bring into bondage our Sons and our Daughters, to be Servants, and ſome of our Daughters are brought into bondage already, neither is it in our power to redeem them: for other men have our Lands and Vineyards.* 6. *And I* (Nehemiah) *was very angry when I heard their cry, and theſe words.* 7. *Then I conſulted with my ſelf, and I rebuked the Nobles, and the Rulers,*

and

and said unto them, Ye exact Usury, every one of his Brother. And I set a great assembly against them. 8. *And I said unto them, We, after our ability, have redeemed our Brethren the* Jews, *which were sold unto the Heathen; and will you even sell your Brethren? or shall they be sold unto us? then held they their peace, and found nothing to answer.* 9. *Also I said, It is not good that ye do, ought ye not to walk in the fear of our God, because of the reproach of the Heathen our Enemies?* 10. *I likewise, and my Brethren, and my Servants, might exact of them money and Corn: I pray you let us leave off this Usury.* 11. *Restore, I pray you, to them, even this day, their Lands, their Vineyards, their Olive-yards, and their Houses, also the hundredth part of the money; and of the Corn, the Wine, and the Oyl, that ye exact of them.* 12. *Then said they, we will restore them, and will require nothing of them; so will we do as thou sayest. Then I called the Priests, and took an Oath of them, that they should do according to this promise.*

Upon which words that I may descant with the greater clearness, it is first to be observed that this happened just upon the return from the Captivity, in which state while the *Jews* continued, being utterly

ly dispossessed and ejected out of their respective inheritances, they had no way to subsist but by trade, so that they could not subsist without usury, or at least not without making a gain by the exchange of the Commodities which they sold, which was one sort of usury prohibited by the Law of *Moses*, and comes under that general term of *encrease of Victuals, or usury upon any thing that was lent upon usury*, which the Law forbad as well as *encrease of money*, and though this were only prohibited them with respect to one another, but permitted upon the alien or the stranger, yet in the Captivity it was impossible, but it must be exercised mutually upon each other likewise, for they had no subsistance but by trade, and to trade without making some advantage by the exchange, when they had no other way to live, and were at a constant charge, for the maintenance of themselves and Familes, would in a very small time bring a Noble to Ninepence, and was, as we are used to Phrase it, to buy and sell and live by the loss.

Deut. 23. 19.

ib. v. 20.

From whence it is easie to perceive, according to the different industry or ingenuity of men, according to their greater or lesser opportunities of advancing themselves in the way of traffick and commerce, according

cording to their greater or lesser charge by reason of the number of their own Families or the incidental and external necessities of their relations, according to the greater or lesser degrees of Thrift and Parsimony of one man compared with another; and lastly, according to the different honesty, or Capacity of those they had to do with, but this must needs make very great inequalities among the *Jews* themselves, one must be excessive rich, and another poorer than beggery it self, one rather than give, would lend at usury out of hopes to make an advantage that way, and another must be forced to borrow at any rate, and be a slave to the lender.

And these hard circumstances instead of being abated or redressed by their return from the Captivity, were rather increased by it, for in the first place it is to be considered, how they were interrupted in the building of the Temple and City, in the Reign of *Artaxerxes* the successor of *Cyrus*, whom *Josephus* calleth *Cambyses* (as that other *Artaxerxes* who succeeded *Darius*, is by that Author called *Xerxes*) by the Artifices of *Rehum* and *Shimshai* (called by *Josephus* after the *Apocryphal* writer of *Esdras* for the greater softness of the sound, *Rathymus* and *Semellius*) and this could

Joseph. Antiq. l. XI. c. 2. & 5.

Joseph. Antiq. l. XI. c. 2.

1 Esdr. c. 2.

could not but be accompanied with a proportionable oppression, because the reason why they were forced to desist, was because they were represented as a Rebellious and Seditious people, which oppression though it were soon after taken off, in the Reign of *Darius* the Son of *Hystaspes* (for that of *Artaxerxes* or *Cambyses* was but very short,) so that by vertue of *Darius* his decree, they were encourag'd a fresh to set upon the building of the Temple, which was actually finished, and the Feast of Dedication kept, in the sixth year of that King, *Ezr.* 6. 15, 16, 17. nay, and as it seems the Walls of *Jerusalem* were compleated likewise, yet this new scene of Affairs was but of short continuance, for in the twentieth year of *Artaxerxes*, the Immediate Successour and Son of *Darius*, when *Nehemiah* enquired of his Countryman *Hanani*, *concerning the* Jews *that had escaped which were left of the Captivity, and concerning* Jerusalem. The answer which he received was this, *The remnant that are left in the Captivity there in the Province, are in great affliction and reproach. The Wall of* Jerusalem *also is broken down, and the Gates thereof are burnt with fire.* And *Josephus* adds what is but a very easie and necessary consequence of what

Nehem. 1. 2.

Antiq. XI. 5.

Nehemiah

Nehemiah hath written. καὶ τὰ πέρξ ἔθνη πολλὰ διατίθεναι κακὰ τοὺς Ἰουδαίους, ἡμέρας μὲν καταβοχόντων τὴν χώραν καὶ διαρπαζόντων, τῆς δὲ νυκτὸς κακῶς ἀπεργαζομένων, ὡς πολλὴς ὁκ τῆς χώρας, καὶ ὅξ αὐτῶν Ἱερουσολύμων αἰχμαλώτους ἀπῆχθαι, καὶ τὰς ὁδοὺς πλήρους ὑπείρκεσθαι καθ' ἡμέραν νεκρῶν, that is, *that the Nations round about made perpetual inroads upon them, pillaging and ravaging the Country in the day, and surpriseing their Towns and Villages in the night, and filling all the ways and passages with heaps of dead Bodies.* And though this insolence at the instance of *Nehemiah* were not long after severely forbidden by the Decree of *Artaxerxes* or *Xerxes* the Son of *Darius*, yet this hindered not but *Sanballat* and *Tobiah*, and their adherents did still do all they could to plague and torment the *Jews*, and to hinder them from repairing the Ruins of their slighted Wall *Nehem. c.* 4. so that they were forced the one half of them to be a guard to the rest, while they proceeded in their work, and the other half in a mixt condition betwixt that of Labouring and military persons, were necessitated to hold a Sword in one hand, while they employed a Trowel with the other. *Nehem. 4. v 13. ad fin. cap.*

The consequence of which was, that the Land all this while lay unmanured, while the people were all of them so wholly

ly taken up in the defence of themselves, and in the building of their Wall and City, and if they had Tilled and Sowed, or Planted their ground with never so much industry and care, yet it could not be otherwise in this posture of affairs, but the Enemy would either have spoil'd and wasted what they had done, or being so strong as they were in the Country round about, while the *Jews* were all of them employed in the building of *Jerusalem* and in the defence of the builders, they would have enjoyed the Fruits of what the others had Planted and Sown.

Nehem. 4. 22.

Wherefore these causes, as very well they might, produced a *Dearth* of Corn and of all manner of sustenance among the *Jews*, *Nehem.* 5. 3. and this *Dearth* which was enhaunsed by this, that they were not only to maintain themselves and Families, but were also to pay a Tribute to the King, compelled them to *mortgage their Lands, Vineyards and Houses, that they might buy Corn for themselves; and their Sons and their Daughters, which were many, that they might eat and live.* Which hardship of theirs, would have been still greater, if *Nehemiah*, who was the *Tirshatha* or Governour appointed by *Artaxerxes*, had exacted the Governors allowance, to which

v. 4.

Nehem. 5. 2, 3, 4.

which he had a right equal to that of any of his Predeceſſors, who without the addition of any of thoſe calamities which have been lately mentioned, were themſelves a ſufficient plague and burthen to the people, not being content barely to oppreſs them themſelves, but permitting their very Slaves and Servants to Lord it over the Heritage of God, and to play the worſt, becauſe the meaneſt of Tyrants, by all manner of cruelty, rapine and injuſtice. But *Nehemiah* notwithſtanding his charge was very great, for he had an hundred and fifty conſtant gueſts of the beſt quality among the *Jews* at his Table, beſides thoſe that *came from among the Heathen that were about them*, and his allowance was ſuitable to ſo numerous a company conſiſting of perſons of ſo conſiderable a rank, yet *for all that required he not the Bread of the Governor, becauſe the bondage was heavy upon the People.* No wonder therefore when the old partition of Inheritances was deſtroyed, when the *Dearth* was ſo great, and the oppreſſion greater, if they were not only forced to mortgage what they had of real eſtate, that they might take up Money, to maintain themſelves and Families, and to pay the Kings Tribute which lay very heavy upon them, but alſo when

v. 14, 15.

v. 18.

ib. v. 10.
ib.

when this was done, and yet proved insufficient to satisfie all their wants, *to sell their* very *Sons and Daughters into bondage to be Servants*, *whom*, as they complained very justly, *it was not in their power to redeem, because other men had their Lands and Vineyards*. v. 5. 5.

Which things being premised, for the better understanding the true state of affairs at that time, I shall now for the explication of this Chapter of *Nehemiah*, do these two things. First, I shall shew in what sort and manner, and to what degree Usury was practised among the *Eastern* Nations. And Secondly, I shall shew that the Old Laws and Usages of the *Romans* which concerned Usury, were derived from thence.

As to the First of these, that is to say, in what sort and manner and to what degree Usury was practised among the *Eastern* Nations, or at leastwise among the *Jews*, as well before as after their return from the Captivity of *Babylon*, may be seen from this place of *Nehemiah* compared with some other places in the Law of *Moses*; and in the general it is certain, that Usury was two fold, it was either increase of Money, or increase of Victuals, or indeed of any thing necessary or convenient for the support of humane life; as hath been

been already ſufficiently declared, and this Uſury in reſpect of the difficulties to which it reduced thoſe who were involved in it, was called in Hebrew *Neſhec* from a word that ſignifies to *bite*, becauſe in time it *ate* quite through their Eſtates, and in like manner all kind of Extortion and immoderate Exaction is by the *Turks* called *eating* at this day, and this is the very word by which the Prophet *David* deſcribes the unjuſt man, and the oppreſſour. *Have all the workers of iniquity no knowledg? who eat up my people as they would eat bread, and call not upon the Lord.* Pſal. 14. 4. and 53. 4. and as with relation to the party borrowing it was called *Neſhec*, ſo with reſpect to the lender, there are two words by which it is expreſt, *Tarbith* and *Marbith*; both from the ſame root, and both ſignifying *improvement* or *increaſe*, but in caſe they could not duely pay their Uſe, or being reduced to extream want, having but juſt a bare ſubſiſtence for themſelves, and perhaps hardly that, they could not pay it any longer, then if they had any Lands or Vineyards, or Houſes, they were forced to Mortgage or Paun them till the year of *Jubilee*. Laſtly in caſe of a ſtill greater neceſſity which ſometimes happened, as it did in *Nehemiahs* days by reaſon of the

Famine and the Kings Tribute, notwithstanding the *Tirshatha's* allowance were not exacted; then they sold themselves or else their Sons and their Daughters into bondage, by virtue of that absolute power and Authority which they had over them, the Men till the Seventh year, and the Women till that of *Jubilee*, the reasons of which difference have been already explained.

If you ask to what degree this Usury was exacted, the Text of *Nehemiah* tells you expresly, it was *the Hundreth part of the Money, and of the Corn, the Wine and the Oyl.* Hebr. *Meath hacheseph Vehadagan, &c.* but the Seventy have Translated it to another sense, καὶ ἀπὸ τοῦ ἀργυρίου τὸ σιτὸν καὶ τὸ οἶνον καὶ τὸ ἔλαιον· ἐξενίγκατε ἑαυτοῖς (l. αὐτοῖς.) The sense of which is that *Nehemias* not only exhorted the Creditors to restore the Lands, and Vineyards, and Houses which they had in Mortgage, but also out of their own Pockets to furnish their necessitous Neighbours and Kindsmen; for it was they, who were the first Mortgagers in all these cases, with whatsoever was necessary for their present support; wherefore the Seventy instead of *Meath* read it *Meeth* with a very little alteration: but, I confess, I prefer the *Masorethical* reading before

before it, not only becauſe the condition might ſeem too hard to be ſubmitted to, that they ſhould reſtore the Principle and forgive the Uſe, and furniſh them *de ſuo* with large contributions for their ſupport into the bargain, but alſo becauſe the *Romans*, who as I have ſaid, as to the caſe of Uſury, received all their cuſtoms from the *Jews*, did exact it in the ſame proportion in which *Nehemiah* affirms the Creditors among the *Jews*, in his time to have done, as ſhall be ſhown more largely by and by.

And to begin with Names before we paſs to other particular circumſtances of the matter in queſtion, there are two names in Latin by which the Principle, and two by which the Uſury of it was expreſt. The Principle was either *caput* or *ſors*, and the advantage redounding from it was either *Fœnus* or *Uſura*, all which are plainly and unqueſtionably Hebrew, or at leaſt Oriental Names; *Caput* is manifeſtly the Hebrew *Gabbouth*, by which any ſort of *Eminence*, or *Hill*, or *Top* of any thing was aptly ſignified, ſo that nothing can anſwer more exactly either in word or ſignification then the Hebrew does to the Latin, and thence the Capitol was called not a *Capite Toli*, as the Roman Etymologiſts, who did not underſtand their own

Language, ignorantly tell us, but it was as much as *Gabbouth el* or *Gabbouth al*, more broadly according to the manner of the *Chaldees*, whose *a* is as broad as the *Dorique*, and does almost answer the pronunciation of *o*, as much as to say the *Hill of God*, or the *Hill* where *God* was anciently Worshiped, as it was the custom all over the East, (from whence I make no question but the *Romans* were a Colony) to Worship God in *Hills* and *High places* whence *Ramah*, and *Gibeon*, and *Gilboah* had their names, as being such Eminences or High places, as it seems, set apart anciently for the Worship of God.

And such another account as this, is to be given of several other of those famous seven Hills upon which the old *Rome* was afterwards built, the *Mons Palatinus* is not *à balandò*, as the Roman Grammarians would needs have it to signifie, but it is from the Hebrew *Phillel*, from whence with an *Heemantique* is the noun *Tephillah*, which being rejected, as not belonging to the root, *mons Palatinus* is the Mountain of Prayer, so also the *Vatican* Mountain, is as much as, *har Hahatik*, the *Old Mountain*, where the first Planters of that Colony seem to have Worshipped God, by changing the *hajin* into an *Æolique Digamma*, which

which answers to the Latin *v* consonant and *f*, of which I shall give more instances very suddenly, for that it is not *à vatibus*, according to the Latin Analogy, is clear from this, that the Syllable *ti* in *vatibus* is *short*, but in *vaticanus long* according to that of *Martial*

Et vaticanis condita musta cadis.

Though I deny not but *vatis* it self, if it be not *à fando*, as the Greek προφήτης is from φήμι may very well be supposed to be from the Hebrew *Hatik*, because the Seers and Prophets of Old time were generally old Men, and from *vatis* is *vaticinium*, that is, *Hatikinium*, an *old Saying*, or an *ancient Prophecy*, so that these things do naturally strengthen and confirm one another.

Again the *esquiliæ* or the *mons esquilinus*, had its name from the Thickets or Groves that grow upon it, for that is the signification of *Eshel* in Hebrew, whence was the Latin *Asylum*, and as the name so the thing it self, was derived from the Cities of Refuge among the *Jews*, as well as the *pomeria* among the *Latins*, which was nothing else but *aliquid extra & intra muros vacui at humano cultu soli*, for the Cities of the *Levites*, and consequently those of

Refuge, were to have a Suburb of a thousand Cubits round about, this was their *pomærium*, and at the farthest boundary of this, the *jus asylorum* took its beginning; and because where such shady Groves are used to be found, there are usually Medows and Watercourses adjoyning, therefore *Eshel* seems in differently to signifie all these, and accordingly it is usually rendered by the Seventy, by the general name of ἄρουρα, which signifies properly any arable Land, (though neither the *pomœria* of the *Romans* nor the Suburbs of the *Levites* were ever Plowed upon any occasion whatsoever) and from hence *Asilus* in Latin is a certain flye or Gadbreeze, troublesome to Cattel, which breeds in such Meadowy or Woody places, which the *Latins* call otherwise *Tabanus* and the *Greeks* οἶστρος. *Virgil*,

Est lucos silari circà Ilicibusque virentem
Plurimus Alburnum volitans, cui nomen Asilo
Romanum est, œstrum Graii vertere vocantes,
Acer, acerba sonans, quo tota exterita sylvis,
Diffugiunt armenta, fugit mugitibus æther
Concussus, sylvæque & sicci ripa Tanagri.

Lastly,

Lastly as from *Eshel* is the *esquiliæ*, and the *mons Esquilinus*, and the *asylum*, and *asilus*, so from *Ethel* which is the same in *Chalday*, that *Eshel* is in Hebrew is the Latin *Italia*, by reason of its Fruitfulness and pleasant situation, as one of part of it was called *Campania*, and the Metropolis of that Province *Capua*, from the Greek κάπω, so widely are they deceived who would have *Italy* derive its name from the Greek ἴτελος, for a fabulous and foolish reason, or rather for no reason at all, but only the resemblance in sound.

But enough of this, I could show the same of the rest of the *Roman* Hills, that they had their names from the East, which is sufficient to prove the inhabitants of that place to have been a Colony from thence; but I return to the business of Usury which occasioned this digression, and the Second name by which the Principal sum is called in Latin, is *Sors*, which is derived from the Hebrew *Soresh*, signifying an Inheritance or Estate; and because the Inheritances among the *Jews* were divided by *lot*, therefore *sors* in Latin does also signifie *chance* or *fortune*, and *sortes* are lots, and *sortiri* is to cast lots, or to obtain by lot.

These are the two words by which the Principle is signified in the Latin tongue, the use as hath been said is either *fœnus* or *usura*. *Fœnus* is *havoush*, from *banash*, *pœnâ affecit*, *mulctavit*, *mulctam imposuit*, as much as to say, *id quod mulctæ loco exigitur*, by changing the *hajin* into the *Æolique digamma*, as in the instances above mentioned of *vatis*, *vaticinium* and *vaticanus*, and in two other instances that shall hereafter be produced, and the word is used in *Chaldey*, Esra. 7. 26. *Labanash Nicsin*, which we render by *confiscation of Goods*, and the Seventy by ζημίαν τῶν βίων, which is proportionably the same in Usury as in confiscation. Lastly, *utor*, and *usus*, and *usura*, are the first of them from *Hathar* in *Chaldey*, the two last from *Hasar* in *Hebrew*, signifying a *tenth*, because this was the ancient *usura centesima*, or in the Language of *Nehemiah*, *the hundreth part of the Money, the Corn, the Oyl, and the Wine.* For the year anciently consisted of ten Months, before it was reduced (by several degrees, and upon necessary considerations because of the seasons of the Year, as it were shifting their course, and passing successively through all the Months) to a perfect equation with the motion of the Sun, and one in an hundred for one

Month

Month, is ten in the hundred for the year, as afterwards by the addition of two other Months it came to be twelve in the hundred; and that we may understand the better how perfect the analogy is, it is to be observed, that as *bosar* is *decimare*, to *receive* the *tenth*, or *use* of any thing, for one in the hundred, for one Month is ten in the hundred, that is one in ten, a tenth of the whole, for the use of an year, so in *Rabal*, *mebousar*, or by letting out the formative *bonsar*, is *id quod decimatum est*, or *id omne quodcunque usuræ nomine accipitur*. So that I think there is nothing at all precarious in this account, unless it be that one of these two things do not seem sufficiently proved. First, That there was anciently an Eastern year which consisted of ten Months. Secondly, That the use of Money and of all things else was Monthly payed. And for the First of these it is certain that *Romulus* his Year consisted but of ten Months, as *Ovid* expresly tells us in his *Fasti*,

Tempora digereret cùm conditor urbis, in anno
Constituit menses quinque bis esse suo.

For which the learned Poet alledges several reasons, the first is taken from the supposed ignorance of *Romulus* in the course and motion of the Stars. *Sci-*

Scilicet arma magis quam sidera, Romule, nora.
Caraque finitimos vincere major erat.

But this by his favour could not be a good reason, neither can it be thought a likely matter, that a wise Man living a great many Years in the World, and observing in every one of them the seasons of the Year, and by consequence the course of the Sun, should think the solar Year to consist but of ten Months; for if you go by the Lunar, those ten Months will be so many several Years, being so many several compleat and entire descriptions of the Lunar Circle, and indeed something more, if you assign thirty days to each Month, which I shall prove by and by to have been the true ancient ten Month Year; neither was *Ovid* himself satisfied with this solution, as appears by his substituting two others in its stead, one of which is, that this was that Period of time wherein the Widow was used to mourn for her deceased Husband.

Per totidem menses, à funere conjugis, uxor
Sustinet in viduâ tristia signa domo.

And

And this I do not deny to be a possible reason, but I am far from thinking it is the true one; nay, I am rather of opinion that the contrary is true, that is, that the reason why the Year consisted of ten Months, was not because the Widow mourned so long for her Husband, but the reason why the Widow mourned so long, and no longer for her Husband, was because it was customary to mourn for a Year in this case, and the ancient Year consisted of ten Months, though the time of mourning was not inlarged together with the Year, as many of our customs depend upon reasons which are now long since expired and forgotten, but I speak this only with reference to the ancient *Romans*, for at this day it is manifest that the Year of mourning is measured by the Sun.

But the true reason of this ancient Year consisting of ten Months is yet behind, and is assigned by *Ovid* in the words immediately preceding those which I have newly cited, namely that it was taken from the time of Child-bearing, or from the usual Period that is found to pass from the time of conception to that of parturition.

Quod

Quod satis est utero matris dum prodeat infans
Hoc anno statuit temporis esse satis.

And this discovers withal from whence the *Romans* had their ancient Year, for there is no question but they received it from the East, where there was such a Period of ten Months taken from this last reason which *Ovid* assigns, and which was properly and peculiarly called the time of life. So the Angel called it in his promise made to *Abraham*, Gen. 18. 10. *I will certainly return unto thee according to the time of life, and lo* Sarah *thy Wife shall have a Son.* And that this time was a fixt and certain Period, by which it was well understood, what time was meant in those days, appears plainly by *v.* 14. where it is called *the appointed time. Is any thing too hard for the Lord? at the time appointed will I return unto thee, according to the time of life, and* Sarah *shall have a Son.* And that we may see more plainly that this was an usual Period in the East, and this which is here mentioned, a stated and setled form of expressing it, the very same words are repeated in a like case, by the Prophet *Elisha* to the *Shunamite* Woman, 2 *Kings* 4. 16. *about this season*

season according to the time of life, thou shalt embrace a Son. and again, v. 17. *And the Woman conceived and bare a Son at that season that* Elisha *had said unto her, according to the time of life*; and that by *this appointed time of life*, the space of ten Months was understood, is clear besides the experience of the thing it self in the usual Periods of parturition, from the words of the Text themselves, especially if we compare them with the version of the Seventy, who translate *Mohed* and *Heth Hazeh*, at *this time* or *this appointed time* by καιρὸς and ὥρα, in the places of *Genesis* which I have produced, εἰς τὸν καιρὸν τοῦτον εἰς ὥρας, and in those of *Kings*, εἰς τὸν καιρὸν τοῦτον, ὡς ἡ ὥρα, which passages are not so to be interpreted, as if the Angel in one place, or the Prophet in the other had said, at *this time twelve Months I will return unto thee*, or *this time twelve Months thou shall embrace a Child*, but *at the return of this season of the Year*, which must of necessity happen within less then ten Months dividing the Year into four quarters, each of which is in Greek properly called καιρὸς or ὥρα, and in Hebrew *Mohed*, as in that place in the first of *Genesis*, where the Stars are appointed *Leothoth, Oulemohadim, Oulejamim, Veshanim. For signs, and for seasons, and*

for

for days, and years. Where the Seventy render it, εἰς ἡμέρας καὶ ἐνιαυτούς.

Further that the Romulian Year consisting of ten Months was without question taken from the East, may appear by reflecting upon *Rome* and *Romulus* themselves; for both these names are taken from the East, *Rome* is from *Rom, excelsum esse, exaltari,* and may signifie any high place whatsoever, as *Ramah* and *Gibeon* might also have done, though they have been appropriated to two particular places; and *Romulus* is the God of that high place, by the addition of *el. Romulus*, if I am not mistaken, is the same with *Remus*, the latter being only a corruption of the former; though tradition and common speech, which made the corruption, have to justifie it, invented Fables concerning them, as of several persons, and as *Romulus* is the same with *Remus*, so is *Numa* the Second King of the *Romans*, the same perhaps with *Numitor*, the Father of *Rhea*, and the pretended Grandfather of *Romulus*; for *Amulius* his Brother is certainly a fained person, his name being given him only from his Emulation and Ambition, and as it were to justifie the story that is told concerning him; that he deposed his Brother *Numitor* from the Kingdom. *Romulus*, was otherwise called

Qui-

Quirinus and this not for any of the reasons assigned by *Ovid* in the Second of his *Fasti*,

Sive quod hasta quiris priscis est dicta Sabinis,
Bellicus à telo venit in astra Deus:
Sive suo regi nomen posuere Quirites,
Seu quia Romanis juxerat ille Cures.

But *Quirinus* is κολοβον from the Hebrew *Keren* signifying an Horn, which was in the East accounted an emblem of Dominion and Power, for *Quoi*, and *Qui*, and *Cui* are the same, as in that of *Catullus*,

Quoi dono lepidum, novum libellum
Aridâ modò pumice expolitum?
Corneli, tibi, namque tu solebas,
Meas esse aliquid putare nugas.

And by the same Analogy, what the *Latins* call *Quintus*, when it is a *Prænomen*, that the *Greeks* call κοιντος, and from κοινος is the Latin *Quino*, with its compounds *inquino* and *coinquino*.

Further yet, the First place where any temple was built, and where the ancient *Romans* preserved the Images of all their Gods, there where the Capitol it self was afterwards built, was called *mons Tarpejus*, not from *Tarpeius*, the supposed Governour

vernour of the Citadel, or from his Daughter *Tarpeja*, who is slandred by Antiquity with having betrayed it to the *Romans*, for want of a more likely tale to give an account of the *Etymon* of the place; but because the Idols, which the *Romans* Worshipt, which Idols are properly called *Teraphim* in Hebrew, and in construction *Tarphei*, were in that Mountain kept and preserved.

The manner of *Romulus* his being translated to Heaven, according to the relation of those who pretended to be Eye witnesses of it, was either a pretended imitation or a manifest corruption of the stories of *Enoch* and *Elijah* in the sacred Volume, and the stratagem by which the *Romans* procured Wives to themselves, having none of that Sex among them, by inviting the *Sabines* to come and see the *Consualia* Celebrated by them in Honour of *Neptunus Equestris*, is answered exactly by the story of the *Benjamites* with relation to the Daughter of *Shiloh* in the last Chapter of the Book of *Judges*, so that not only as to names and words, but as to events and things themselves there is a plain and undeniable *Orientalism* in the Roman story, as is evident before we leave *Romulus* by the name of *Rhea* the vestal Virgin (impregna-

pregnated by *Mars*) who is pretended to have been his Mother; for this *Rhea* properly signifies a Priestess, from *Rhaah vidit*, as the Priests and Prophets in Scripture are frequently called *Rhoim* or Seers. *Romulus* was succeeded by *Numa* the *Sabine*, and *Numa* being a Lawgiver had his Name from thence, for this is the very word by which God himself in Scripture expresses his Legislative Authority and absolute Power, *Neum Jehvoh, thus saith the Lord*, and this perhaps is a better derivation of νόμος, and of *Namisma* or *Numisma* derived from it, then the usual Etymology of the Grammarians from νέμω, neither can any thing be a greater confirmation of this, then what we find recorded in the History of *Rome*; that *Numa* received all his Laws from the Nymph *Egeria*, for this *Egeria* is *Hagar*, which St. *Paul* tells us in the *Cabalistical* and *Arcane* Language signified, *Mount* Sinai *in* Arabia, and is as much as to say, that *Numa* had all his Laws and Institutions out of the East; and still further to strengthen this matter, it is to be noted, that among other things introduced and instituted by *Numa*, were the *Salii*, the *Ancilia* and the *Luperci*; I shall pass my conjecture at the meaning of all these, and so conclude this digression, the

Salii were the Priests of *Mars*, twelve in number, with Shields or Targets called *Ancilia*, from *El* or *Al* which the *Latins* call *Sol*, as much a *Solii*, the Priests in general of God, or more particularly of the Sun, to which all the *Heathen* Deities are reduced by *Macrobius*, and I appeal to any Man whether this be not a better *Etymon* then the common one a *Saliendo*, especially if you consider these two things; First, What *Macrobius* tells us, that in his time the *Salii* did not understand their own Songs, and solemn Hymns, which shews them to have been written in some Exotique Language and probably in the Eastern. And Secondly, That the same persons are by *Catullus*, *Epigr.* 17. called *Salisubsuli*, which, if this Etymology were true, would be at once *à saliendo & à subsiliendo*, which is perfect non-sense as any thing can be.

Again, their Arms or Targets were called *Ancilia*, not *ab Ancidendo*, as the Grammarians would have it, without any ground in Analogy to favour their conjecture, but because the *Salii* in their dances were used, as I conceive, in certain measures to beat or play upon their Shields, ingeminating these words in honour of their God, *Een ca el*, *Een ca el*, *there is none like God*, or *there is none like our God*, which it is very natural

natural and easie for any Man to conceive them to have done. Lastly, The *Luperci* the Priest of *Pan*, or of the Demourgick and Plastick nature of the universe, whose business it was to run naked though the Streets, *Mulierum palmas uteroſque caprinâ pelle feri-entes, quâ re fœcunditatem & facilem partum fieri putabunt*, had their name from the words which they seem to have pronounced in the performance of this Superstitious office, *lou parothka*, or *lou parothk. utinam paries*, and though the Original of these things be driven back by some as far as *Evander* himself, at his First coming into *Italy*, which according to the general computation is a great while before the time of *Numa*, yet it is sufficient that they were most certainly and most solemnly practised in his time, and that when ever they began, as the Chronology of those ages is very confused, yet they are most probably of Eastern growth, and speak a Language intelligible to the East, but not to any other besides them. Lloyd *lex. Georg. & Post. in voce.*

But to return to that which occasioned this digression, and that is the *Romulian* or the ten Month Year: Another instance remaining to this day of the ancient Period of ten Months in the East, is to be found in the Νῆρος of the *Babylonians*, for the

Babylonians or *Chaldeans* had three several ways anciently of measuring time, by their Σάροι, their Νῆροι, and their Σῶσοι, which have never yet been satisfactory explained; their First Kings they tell us Reigned One hundred and twenty *Sari*, but what Period of time the Σάρος was, is not so easie to determine, *Hesychius* is content to tell us in the general that it was δεσμὸς τις παρὰ Βαβυλωνίοις, *A certain number or measure of time among the* Babylonians, but there is a fragment of *Abydenus* preserved in *Eusebius*, which gives a more particular account of the matter, Σάρος ἡ ἐστιν ἐξακόσια καὶ τετακισχίλια ἔτη, the Σάρος contains Three thousand Six hundred Years, and with *Abydenus Berosus* and *Alexander Polybistor* do exactly agree, at which rate the Sum total of an Hundred and twenty *Sari*, amounting to so vast and prodigious a number, being in all Four hundred thirty two thousand Years, which are all of them pretended to have been taken up in the Reign of ten Kings only; so that one King with another the proportion will be Forty three thousand two hundred Years a piece, an incredible time for the whole life, and much more for the Reign of one Man, which is but a part of it, and sometimes no very considerable one neither; this was the reason why *Anianus* and *Panodorus*

See the most learned L. Bp. of Chester upon the Creed, *Artic.* 1. *p.* 59.

dorus with great Judgment concluded these Babylonian Years to be indeed but days, (as I have demonstrated elsewhere that every revolution of any of the Heavenly bodies, so as to describe an entire Circle, and end where it began, is in Hebrew, Greek, and Latin, rightly called *Shanah*, ἐνιαυτὸς, and *annus*) and this conjecture of theirs was no other then the very truth, not only as to the Σάρος, but as to the νέρος, and the Σῶσος, as I will now prove by shewing the Etymology of each, the *Saros* say they, is Three thousand Six hundred Days, but yet in this they are mistaken, that where they reduce these Days into Solar Years, they proceeding according to the most perfect equation of the Suns course, consisting of three hundred Sixty five Days and a quarter in each Year, have made the whole Saros to be but nine Years, six Months, and odd Days, whereas according to the account of the *Chaldeans* themselves, whose Solar Year consisted but of Three hundred Sixty days, the whole Saros contained ten entire and perfect Years, I do not say or mean perfect in themselves, but in the account and esteem of those unskilfull Ages, till at last by the variation of the seasons of the Year, or at least by a foresight that this in time would be the consequence of it,

Discourse of the true time of our Saviours Passover.

v. *Scal. de Emend. temp. l.* 3. & *Cl.* Stillingfl. *orig. Sacr. l.* 1. *c.* 6.

the *Ægyptian* Prieſts bethought themſelves and added Five Days more to the ancient account, of which *Plutarch* from the monuments of the *Ægyptians* hath given a fabulous account, which it is needleſs to mention; it is ſufficient that the ancient Solar Year conſiſted of no more then Three hundred and ſixty days, now Three hundred and ſixty days multiplyed by ten, make Three thouſand Six hundred, which was the Chaldean Saros, From the Hebrew *haſar*, by the Eliſion of the *Gutturall*, which is in a manner a Quieſcent letter, and ſo it appears in the verſion of the Seventy in the proper names, who ſometimes leave it perfectly out, as in *heden*, which they have expreſſed by ἐδὲμ, without taking any notice of the Conſonant at all, though ſometimes they render it by the Grecian Gamma, as in *hamorah*, γόμορρα, *Chedarlaomer*, χοδολλογομορ and the like; and by the ſame Analogy with this from the proper name *Aſſhur*, which begins with an *Aleph*, a Quieſcent letter, we have not only the Greek Ασσυρίων, but ſometimes by the Eliſion and Omiſſion of the Quieſcent σύρων, ſo that the Analogy being ſo perfect, and anſwering ſo exactly to the thing pretended to be explained by it; I make no ſcruple confidently to affirm that

De Iſide & Oſiride.

that this is a plain and true account of the *Saros* which will be ſtill further confirmed by conſidering the Νεῖρος and the ξέστος, which I am now going very briefly to explain; and as the *Saros* was a Period of Three thouſand Six hundred Days or ten ſolar Years, ſo is the *Neiros* an interval of Six hundred Days, or *two times of life*, or Periods of ten Solar Months, and the *Soſes* of Sixty Days, or of two ſuch Months as the *Neiros* had ten; as to the firſt of them it is to be noted, that in Hebrew *Nechirim* or *Nechiraim* ſignifie the two Noſtills, from the Singular *Nachir*, whence by the Eliſion of the Guttural is the Latin *nar*, *naris*; and by the ſame expedient, that is, by omitting the Guttural which the *Greeks* cannot properly expreſs by any letter of their own, proceeds that which in the *Chaldean* account of time was called the Νεῖρος, being two equal and ſimilar Periods of time, as the Noſtrils are ſimilar and fellows to one another, which making up together Six hundred, it is manifeſt that each Period conſidered by it ſelf, muſt on both ſides be an equal Period of Three hundred Days, or a Year of Ten Months according to *the time of life*, which was the thing I undertook to prove, and to make the Analogy yet more clearly out, we have the ſame in

Νεῦλος, which is from the Hebrew *Nachal*, or as the *Ægyptians* perhaps might call it *Nachil*, by the Elision of the same *Cheth*, which as I have said cannot be properly and truly answered by any Greek Letter whatsoever, and so what the Hebrew calls the Land of *Chavilah*, *Gen.* 2. 11. which is incompassed by the River *Phison*, that the Seventy call ἐυλάτ, and other Authors Ἀεύλι, both by the Elision of the Guttural, and both meaning *Africa* by it, of which this Ἀεύλι was a promontory towards the Sea side, from whence the whole Coast might very well derive its name; and I hope this may pass for as handsome a conjecture, as the *ab Illua* of some other Learned men, upon no better grounds then only because *Festus* who did not understand the punick Language, hath been pleased to tell us, that *Abyle* in that Language does signifie *montem excelsum*.

But let that be as it will, yet that by *Havilah*, *Africa* is understood, is plain to me from what is added concerning the place, Gen. 2. 11, 12. *There is Gold, and the Gold of that Land is good*, For the Gold of *Ophir* was famous all over the East, and *Ophir* and *Africa* are the same, and so were *Ophir* and *Havilah* in a manner the same, that is, they were both the Sons of *Jokran*,

Gen.

Gen. 10. 29. and both of them probably co-planters and co-inhabitants of the same Country, whence it was called by some *Havilah* and by others *Ophir*, whence the Latin *Afer* and *Africa* are derived.

And now there is only the *Sofos* to be considered, which was a Period of Sixty Days, or Two solar Months, from the Hebrew *Shish*, which perhaps by the *Chaldeans* was called *Shoash*, signifying Sixty, as the Plural *Shishim* in Hebrew stands for Sixty.

So that it is now clear, which was the First thing to be proved, that there was anciently in the East a Period of time consisting of Ten Months, allowing to each Month Thirty Days, which in the Sacred story is called *the time of Life*, and which being doubled did constitute the Neros of the *Babylonians*, against which if it be objected that even so long ago as in the History of the Floud, the Year is represented as consisting of Twelve Months; to this there are two things to be answered, First, That *Moses* in his account of the Floud does without question reduce the Years of that age, which to me seem to have been only Lunar, to the Calculation of his own time, but because Mr. *Burnet* in a late Book of his, the design of which I do by no means approve, though otherwise I acknowledg him

Theory of the Earth.

to

to be an excellent perſon, hath made it his buſineſs Elaborately to defend the Years of the Patriarcks to have been ſolar Years, which I do no more believe, then I do that they were ſo many ſeveral revolutions of the Circle of *Saturn*, therefore I will take time to conſider further of it. But a Second anſwer to this objection, which is taken from the pretended length of the *Antidiluvian* Years, is this, that theſe two Periods the *ſolar* and that of *Ten Months*, are not inconſiſtent together, ſince nothing hinders but that they might both be uſed at the ſame time, not only with relation to different things, but alſo to the ſame, though by a different way and meaſure of computation, as it is certain before *Eliſha's* time that the Year of *Twelve Months* obtained amongſt the *Jews*, as is manifeſt by *Davids* Calculation of the Years of human life, ariſing no higher then *Threeſcore and ten* or *Fourſcore*, which is the uſual Period of it now a days, in ſuch as live temperately and are ſtrongly made, but yet *Eliſha*, long after *Davids* time, makes mention of *the time of life*, which was a Period of *Ten Months*, as hath already been proved, and ſo the *Chaldeans* at the ſame time they had their *Neiros*, had their *Saros* alſo, one of which was a Period meaſured by *the time*

of

of life, and the other by the *ſolar Year*.

I am far from denying, that the ſolar Year was in the Eaſt a very ancient meaſure of time, it was as ancient as *Numa* among the *Romans*, who to the *Ten* of *Romulus* added *Two* more, and thoſe both of them as to their very names taken from the Eaſt, but what was the exact form of *Numa's* Year, is not ſo eaſie at this diſtance of time to tell, only thus much we know from what *Livy* hath enformed us concerning it, that to ſpeak properly it was neither *Lunar* nor *Solar*, only it conſiſted of *Twelve Months*, and that the intercalations of each beyond the *Lunar* Year were ſo ordered, as that in *Twenty Years* time the account was made even, and the New Moon anſwered exactly to the ſame place; from whence the Sun ſet out Twenty Years ago. The words of *Livy* concerning *Numa* are theſe, in his Firſt Book, *Omnium* (inter Romanos) *primum ad curſum lunæ in duodecim menſes deſcribit annum, quem, quia Tricenos dies ſingulis menſibus Luna non explet, deſuntque dies ſolido anno qui ſolſtitiali, circumagitur orbe, intercalares menſibus interponendo ità diſpenſavit, ut vigeſimo anno ad metam eandem ſolis unde orſi eſſent, plenis annorum omnium ſpatiis dies congruerent.* Which place of *Livy* never yet explained

plained or understood by any, I will now clearly vindicate from obscurity any longer.

Numa's Year as I have said was neither *perfectly Solar* nor *Lunar*, not *perfectly Solar*, because it did not consist of perfectly Solar Months, by reason of the different intercalations in different Months, so that the Sun in each Month did not describe an equal *segment* of the Solar Circle, (and yet in this sense it might then, as it may now be said to have been Solar, because the Months were so ordered, that at the end of Twelve of them, the Sun returned to the same point of the Heavens from whence he set out Twelve Months before;) nor *perfectly Lunar* neither, because of the same Intercalations, which were sometimes one, and sometimes two Days longer then the description of the Lunar Circle; But now supposing the Solar Year to be as it is, about Thirty Days longer then Twelve compleat Revolutions of the Lunar, and supposing first one, and then two Days every other Month, to be added by way of Intercalation to the course of the Moon, it must of necessity so happen that the Intercalations must fall every Month lower into the age and course of the Moon, and in twenty Lunar Months by this alternate Intercalation of one and two Days, there would in the whole be an

Inter-

Intercalation of thirty days, which is the ſpace of a Solar Month or thereabouts, (and what it wants may be adjuſted by the Intercalation of an odd Day in certain Months,) ſo that it is manifeſt the Intercalations having run through all the Lunar Months, and being equal in the whole to the Solar, the New Moon, and the Sun, that is, the beginning of one Twelfth Section of the Suns motion muſt ſet out together, and thus it would be true if we underſtood *Livy* of the *Lunar* Year, *ut vigeſimo anno ad metam eandem ſolis unde orſi eſſent, plenis annorum omnium ſpatiis, dies congruerent*, that is, *The Sun and Moon would now conſpire and agree in their motion as they did at firſt.* But then the *meta eadem*, muſt not be ſo underſtood, as if the Sun were in the ſame point of the *Zodiac*, that he was, when he and the Moon ſet out together Twenty Months ago, but only that they do ſo exactly agree, as if they had ſet out together, as they did, and had kept equal pace all along with one another. But I confeſs this is an hard expoſition of *eadem meta*, but though the place of *Livy* be not to be underſtood of Twenty Lunar Months, but Solar Years, yet this which I have ſaid concerning the *Intercalations* or *Emboliſms* at the end of the Lunar Months, will,

if

if attended to, infallibly conduct us to the truth it self, for if the New Moon by virtue of this intercalation, be at the end of Twenty Months again co-incident with the beginning of a Monthly *segment* of the Solar Year, then there being Twelve such *co-incidences* in Twenty Years, all of them happening from one another at the distance of a Twelfth part or *segment* of the Solar Circle; for Twelve times Twenty Months, is Twenty times Twelve Months, it will unavoidably happen that at the end of Twenty Years these *co-incidences* will have run through the *Zodiac*, and will fall upon the same point from whence they first set out, which is an exact Interpretation of the words of *Livy*; *Ut vigesimo quoque anno ad metam eandem solis unde orti essent, plenis annorum omnium spatiis, dies congruerent.*

The late Eminently Learned *John Frideric Gronovius* hath in his Book of *Observations* a particular disquisition upon this place of *Livy*, which I Remember to have read many Years ago, but at this distance I am not able to give any particular account of it, only that it is not that which I have given, and that it depending, as I take it, upon a different reading and many Elaborate Criticisms which the place does

does not need, I make no ſcruple to affirm, that it cannot be the right, and that this expoſition which I have made of the words is without queſtion no other then the very truth, and carries its own evidence along with it.

The two Months which *Numa* added to *Romulus* his Year, were *January* and *February*, for the Year of *Romulus* began in *March*, according to that of *Ovid*,

Martis erat primus menſis, veneriſque ſecundus.

And again, preſently after ſpeaking of the Year of *Numa*, he ſays,

At Numa nec Janum, nec avitas preterit umbras,
Menſibus antiquis appoſuitque duos.

Janus or *Januarius* is from the *Hebrew Shanah* ſignifying a *Year*, not that a Month and a Year are the ſame, any otherwiſe then in the *Lunar* ſenſe, but that in this Month the Year returned into it ſelf, it was the boundary of the Year paſt, and the beginning of that which was to come; therefore *Janus* was Painted with *two Faces*, looking two ſeveral ways, the one backward upon the Year paſt, and the other forward

forward upon the ensuing new Year, and in one of these respects he was called *Clusius* because of his shutting up the *Old*, and in another *Patulcius* by reason of his opening the *New* Year, as he speaks of himself in the *Fasti*;

Nomina ridebis, modò nama; Patulcius idem,
Et modo sacrifico Clusius ore vocor,
Scilicet alterno voluit rudis illa vetustas
Nomine, diversas significare vices.

And in another place a very little above

Quicquid ubique vides cælum, mare, nubila, (terras
Omnia sunt nostrâ clausa patentque manu,
Me penes est unum vasti custodia mundi,
Et jus vertendi cardinis omne meum est.

Because the duration of all these things is measured by *time*, which *time* is opened and shut up by *Janus* in that manner which hath been already declared.

That *Janus* was not Originally an *Italian* God, but a deity of *Foreign* growth, appears by this, that in his Coins or Medals, as on the one side there were two Heads or Faces, so on the other there was the appearance of a *Ship* to signifie that he came thither from beyond the Seas.

And

And this is the reason he gives of *Saturn's* having the same device upon the reverse of his Coyns or Medals, though it had been more properly applyed to himself, concerning whom the Question was asked by the Poet.

——Sed cur navalis in ære
Altera signata est, altera forma biceps?

To the last of which Questions, for he speaks first to the last of these, he is not very clear in his Answer, but I have already explained it, to the former he Answers Thus:

(amnem,
Causſa ratis ſuperest, Thuscum rate venit in
Antè per errato falcifer orbe Deus.
Hac ego Saturnum memini tellure receptum,
Celitibus regnis ab jove pulſus erat,
Inde diu genti manſit Saturnia Nomen,
Dicta quoq; est Latium terra latente Deo.
At bona posteritas puppim servavit in ære,
Hoſpitis adventum teſtificata Dei.

Now it had been much more pertinent to have spoken this concerning himself, and such an Answer as this, so seemingly forreign to the Question proposed, cannot

otherwise be reconciled to any thing but cross purposes, then by saying that *Saturn* and *Janus* were the same; for as *Saturn* was the ancientest of all the Gods the emblem of Time as appears by the sithe, which he carries in his Hand, so is *Janus* the first, that is, the oldest Month in the Year, and as *Saturn* came by Ship to *Rome*, so did *Janus* too, and the *Romans* were beholding to some *Eastern* Traditions, for the name of this and other Months, as well as for the measure of them all, and for the form of their Year. The Analogy is perfect, natural and easie, for as from ζανὸς, is *Juno*, from ζύγον *Jugum*, so from *Shanah*, which it is likely was anciently pronounced with the Sibilus of a ז, *Janus*, as at this day among us, almost all those words, which are pronouced by us with an *s*, are by the Inhabitants of *Somersetshire* and those Western parts, pronounced by a ז.

From *Janus* is *Janua*, because of its two Faces or surfaces, one of which looks *inward* towards the House or Temple, and the other *outward* or abroad into the World, or as it is excellently expressed by the same *Ovid*,

Omnia

Omnis habet geminas, hinc atque hinc janua frontes,
E quibus hæc populum spectat, at illa Larem.

And from *Janus* is *Janitor*, as much as to say *shanitor*, from *shanah iterare* because he watches both ways at once, and looks after all that go in or come out, as *Janus* himself speaks in the same place,

Vtq; sedens vester, primi propè limina tecti,
Janitor egressus introitusque videt;
Sic ego perspicio cælestis janitor aulæ,
Eoas partes, Hesperiasque simul.

Lastly for the same reason, that the first Month of *Numa* and of the more perfect *Roman* Year was called *January*, from *shanah iterare*, or *shanah annus*, because in this Month the New Year begins, and because this Month looks backward and forward, upon the Year past and to come; for the very same reasons the Old *Ægyptians* and at this day their posterity the *Coptites* describe the Year, by a *serpent* returning into himself, as the Year does, and *Biteing* his Tail, which they call Nasch, from the *Hebrew Nashak*, which signifies to *Bite*;

becauſe the end of one Year and the beginning of another are contiguous, and do as it were bite and tread upon one another.

Numa's Second Month was called as ours is now *February*, and this was alſo taken from the Eaſt, where the *Ammonites* were uſed to make their Children paſs thorough the Fire to *Molock*, as ſome conjecture by way of Sacrifice, and as others would have it by way of luſtration, but as I am of opinion, for both of theſe cauſes; and this *paſſing through*, is by the *Hebrew* expreſſed by the verb *habar*, whence the *hajin* being turned into the *Æolique digamma*, as in ſome other inſtances that have been already mentioned, the Latin *Februa* is derived; by which word all things that were uſed in their luſtrations was ſignified, and not only *Februa*, but *Febris* alſo, which is a kind of *paſſing through the Fire*, as the *Ammonites* did, and thence it is called in Greek πυρετὸς; for the ſignification of *Febris* it is well enough known, and for the other we have the Authority of the ſame *Ovid* in the Second of his *Faſti*.

Februa Romani dixere piamina patres,
Nunc quoq; dant verbo plurima ſigna fidem.
Pontifices ab rege petunt & flamine lanas,
Queis veteri linguâ februa nomen erat.

Quæque

Quæque capit lictor domibus purgamina certis,
Torrida cùm micâ farra vocantur idem.
Nomen idem ramo qui cæsus ab arbore purâ,
Casta sacerdotum tempora fronde tegit.
Ipse ego flaminicam poscentem februa vidi,
Februa poscenti pinea virga data est.
Deniq; quodcunq; est quo pectora nostra piantur
Hoc apud intonsos nomen habebat avos.

And by exactly the same Analogy with this, there are two other words which come just now into my mind, and which I did not think of before, which are very plainly of *Hebrew* Origination, the first is *facio*, from the *Hebrew hasah*, as appears not only by the Analogy it self, which is the same in all these words, but also by the exact agreement of them both not only in their common, but even in their more rare and unusual signification; how they agree in their common signification is known to all, that understand any thing of these matters, or will but consult an *Hebrew Lexicon*, for their information; but they have also this peculiar signification both in *Hebrew* and *Latin*, to denote the preparation and ordering of any *Animal* by killing, slaying, embowelling, Roasting and Boiling either for Sacrifice or Food, so the *Hebrew* word is used, Gen. 18. 7. *And* Abraham *ran unto the Herd, and fecht a Calf tender*

and good, and gave it to a young-man and he hasted to dress it, that is, to do every thing which was requisite to the making it fit for food; the *Hebrew* words are *Vajmaher lahasith otboh*, and just thus the *Latin facio* is used in that known place of *Virgil*

Cum faciam vitulâ pro frugibus——

And from thence is *carnifex*, *à carne faciendâ*, and *sacrificium*, *à faciendo sacro*.

The Second instance is in the *Hebrew heth*, whence is the *Latin fatum*; *heth* is a *time* or an *appointed time*, and *fatum* is that hour which presides over such appointed times and seasons, and brings every thing to pass in its predestin'd and predetermin'd order, according to the opinion of the ancients, as is manifest by that place of *Seneca* and by many others, where speaking according to the sentiments of the *Stoicks* he says, *Eadem necessitas etiam deos alligat, irrevocabilis divina pariter ac humana cursus vehit, ille ipse omnium conditor ac rector, scripsit quidem fata, sed sequitur, semper paret, semel jussit*; and just so *Ovid* describes his *Janus* as having the dominion of all things both in Heaven and Earth, in words that have been already taken notice of; and again, a little after, *Janus* saith of himself,

Præsideo

Præsideo foribus cæli cum mitibus horis.
It, redit officio Jupiter ipse meo.

And as *fatum* is that power which Governs and Orders all things by certain and predetermin'd causes, so *fortuna* is that which presides as it were over the irregularities of nature, where this Order is broken and things happen by chance, and the *Latin* words *sors*, *fors*, *forte*, and *fortuna*, are all of them derived from the *Hebrew* פרש, of the Etymon; of the first of which an account hath been given already, and the three last are derived from it, as in the other Etymologies which I have last mentioned by the addition of the *Æolique Digamma*, of which more instances come into my mind, but I will not suffer my self to digress any further.

Therefore to conclude this matter, because of the *Ammonites* and other *Infidels passing through the Fire to* Molock by way of *Lustration* or *Sacrifice*, which included an *expiation*, therefore all kind of lustrations and expiatory rites, were by the *Latins* properly called *Februa*; this was the reason why there could be no *proper* Sacrifice without *Fire*, because of its cleansing and purifying nature, and the *Greeks*

and *Romans* burning the Bodies of their dead, depended upon the same reason, because they had received it, by tradition from the *East*, that a *dead Carkass* was an *unclean* thing, and that *Fire* was a *Symbol* and an *Instrument* of cleanness and purification, and therefore they applied the one to the other; this reason is expresly assigned by the old *Scholiast* upon *Homer*; where speaking of *Cillus* the *Auriga* or Charioteer of *Pelops*, who died at *Lesbus*, as they were going to *Pisa*, a City of *Peloponnesus*, where *Pelops* designed to Fight *Oenomaus* the Father of *Hippodamia*, who would not part with his Daughter upon any other terms, then to such as could first Atcheive the conquest of himself, which had been the death of many of her Lovers, he says,

Ad il. a. v. 38. Γενομένῳ δ' αὐτῷ (τῷ Πέλοπι) περὶ λέσβον, κίλλος ὁ ἡνίοχος τηλευτᾷ τὸν βιόν, ὃς καὶ καθ' ὕπνον ἐπιστὰς τῷ Πέλοπι, σφόδρα ὀδυνηρῶς ἐπ' αὐτῷ ἔχοντι, ἀπωδύρετο τε τὴν αὐτοῦ ἀπώλειαν, καὶ περὶ κηδίας ἠξίου, διόπερ ἀναστὰς, ἐξερυπάρου τὸ εἴδωλον διὰ πυρὸς, ἐπὶ οὕτως ἔδαψε τὴν τέφραν ἐπιφανεῖς τοῦ κίλλου ἠρίον ἐπ' αὐτῷ ἐγείρας that is, *As soon as* Pelops *had got as far as* Lesbus *on his way to* Pisa, *his coachman* Cillus *died, and appearing to* Pelops, *who was greatly afflicted for his death in a dream, he did at once bemoan his own misfortune, and*

begg

begg of Pelops *to take care that the Funeral* justa *or* exequiæ *should be performed, at which* Pelops *arising out of his sleep, after he had cleansed and purified the dead Carkass by Fire, buried the Ashes, and erected a sumptuous Monument to the memory of* Cillus *over them*; and a little after he cites a passage of *Euripides* to the same purpose, though this was not the thing which he designed to shew in either of these places,

Ἕκτον δὲ δὴ τόδ' ἦμαρ
Ἐξότου σφαγαῖς θανοῦσα μέτηρ,
Πυρὶ καθήγνισται, δέμας,
Δεῖξαι γὰρ Ἀργείοισι σῶμ' αἰσχύνομαι.

And as *Fire*, so also *Water* was used in *lustrations* by reason of its cleansing and purifying Nature, but *Ovid* was very much mistaken when he refers the Original of these things to *Greece*, for they all of them without question came out of the *East*, but so he tells us,

Omne nefas omnemq; mali purgamina causam,
Credebant nostri tellere posse senes.
Græcia principium moris fuit, illa nocentes
Impia lustratos ponere facta putat.

Actoriden

Actoriden Peleus, ipsum quoque Pelea Phoci
Cæde per Hemonias solvit Acastus aquas.
Vectum frenatis per inane draconibus Ægeus
Credulus, immeritâ Phasida fovit ope.
Amphiaraides Naupactoo Acheloo,
Solve nefas, dixit, solvit & ille nefas.
Ah! nimium faciles, qui tristia crimina cædis,
Flumineâ tolli posse putetis aquâ!

But of this matter and others that have a connexion with it, I have discoursed more largely in some other papers, which together with some other disquisitions of inconsiderable bulk, I design to make publick some time or other under the Title of *Miscellanies*.

Lastly, Though *Ovid* hath already told us that *Numa* added two Months to *Romulus* his Year, which agrees with *Livyes* account, and therefore is most credible; yet in the words immediately following those I have newly cited, he quite and clean changes his note, and says that *January* and *February* were the two ancient Months of the *Roman* Year, and that they had no other Months besides them, till the other ten were added, in process of time, by *App. Claudius* and the rest of the *Decemviri*.

Sed

Sed tamen (antiqui nè neſcius ordinis erres)
Primus at eſt Jani menſis, & antè fuit.
Qui ſequitur Janum, veteris fuit ultimus anni,
Tu quoque ſacrorum, Termine, finis eras.
Primus enim Jani menſis, quia Janua prima eſt,
Qui ſacer eſt imis manibus, imus erat.
Poſtmodò creduntur ſpatio diſtantia longo
Tempora bis quini continuaſſe viri.

But I confeſs I am of *Ovid's* firſt opinion, that the ancient Year of *Romulus* conſiſted of *ten Months*, Firſt, becauſe *March* was manifeſtly the beginning of a Year in ſome ancient account or other, as is manifeſt by the names of *Quintilis*, *Sextilis*, *September*, &c. which are computed from it. Secondly, The *Saturnalia* were celebrated in *December*, and *Saturn* ſeems to have been Worſhipped in *Italy* long before the times of *Numa* or of *Romulus* himſelf, as they are uſually computed, and much more of the *Decemviri*, he ſeeming to be the very ancienteſt of all the Deities worſhipped in that Country, as may ſufficiently appear from what hath been already ſpoken. Thirdly, The name of the Month *Martius*, which is from *Mars* is manifeſtly of *Hebrew Origination*, notwithſtanding that the *Decemviri* received all their Laws

Laws and Institutions from *Greece*, for *Mars* is *Mecharesh*, *he that makes or uses the weapons of War*, by the Elision of the Guttural *cheth*, as in several instances already produced, from *charash*, *insculpsit fabricavit*, and from thence is the noun *charash*, for a *Smith* or other *manual artificer:* and *macharesha* is interpreted, *rutrum*, *sarculum*, and *macharesheth*, *vomer*, and the *Sabine* word *quiris* was from the same root and signified a *Spear*, as *Ovid* tells us,

——*Hasta quiris prisci est dicta Sabinis.*

And thence *Quirites*, is as much as to say, *Hastati*, who were a particular Order of Souldiers in the *Roman* Camps, as may be seen in many places of *Livy*, and by rejecting the Formative, and dissolving the Guttural, as in the Latin *Mars*, is the Greek Ἄρης, which answers exactly to the *Hebrew charash*, signifying a Smith or other worker in Iron, or instruments of War, whether they be for personal Combate or Battery, as Ἄρης is both in that known verse of *Homer*

Ἄρες, Ἄρες, βροτολοιγὲ, μιαιφόνε, τειχεσιβλῆτα.

And

And by retaining the Guttural, as in *Quirinus*, is the *Latin Mercurius*, by the addition of *Mar* ſignifying a *Prince* or *Lord*, as much as to ſay, *Mar Choreſh*, the *chief Engineer* or *chief Deviſer*, as *Mercury* was by the ancients ſuppoſed to be the God of ſubtilty, ſtratagem and invention, who is called in *Greek* ἑρμῆς, that is, *Hoarami*, the *Aſſyrian* God, whom they Worſhipped by caſting of Stones, to which that place of the Proverbs, is by the moſt Learned and Skilfull of the Jewiſh Interpreters thought to refer, c. 26. 8. *As he that bindeth a Stone in a Sling, ſo is he that giveth Honor to a Fool*, where the word *Margemah* which we Tranſlate a *Sling*, is by ſome of the beſt of the *Jewiſh* expoſitors, interpreted by *acervus lapidum*, and ſo the vulgar Latin renders it likewiſe, *ſicut qui mittit lapidem in acervum mercurii*, &c. as much as to ſay, that to give Honor to a Fool, hath ſome reſemblance and agreement with Idolatry; becauſe it is in both caſes the placing Honor upon a falſe object, and theſe heaps of Stones were by the Greeks called ἑρμαικαι and ἑρμαῖοι λόφοι, as the Statues of *Mercury* himſelf were by the *Greeks* called ἑρμαὶ and by *Cornelius Nepos*, *Herniæ*.

v. Buxt. lex. Talmud. in Markolus. & authores ab eod. cit. ut & Jac. ouzel. ad min. Felicem.

v. Jac. Ouzel in minut. felicem.

Where-

Wherefore my opinion upon the whole matter is, that the Year of *Romulus*, as I have said, consisted of *ten Months*, and that these *two* Months were added afterwards by *Numa*, and taken from the East, as their names shew, and perhaps from some place where their account of time was so imperfect, that they had no other Months in their Year, which answers exactly to the *Soses* of the *Chaldeans* already described, and might well enough give occasion to this tradition in *Ovid*; and so much may suffice to have spoken, upon occasion of what was first proposed to be proved; namely, that there was anciently a Year or Period of *ten Months*, returning into it self, by which they anciently measured time in the *East*, which I think is now sufficiently done.

But Secondly, I am to prove that in the *East* the *usury* of Money and other things was *Monthly* payed; from whence it follows supposing the Year to have consisted of ten Months, that the *usura centesima* was *ten* in the *hundred*, that is, one in ten for the Year; and for the proof of this I shall first shew that it was so among the *Romans*, whom I have already shewn not only to have borrowed the names of some of their Months from thence, but also the very

very words by which both the Principle and Interest of Money, or any other improveable substance or thing is expressed in *Latin*, and for this I shall content my self with the testimony of *John Gerhard Vossius* in his *Etymologicon*, under the word *Calendæ*. *Antiquis*, saith he, *mos erat pecunias calendis credere & usuras exigere, unde est quod, Plutarchus libello de non fœnerando, ait, Neomenias ac Calendas, Dies sacratissimos, à fœneratoribus reddi nefandas ac detestabiles*, and to this purpose he applies that place of *Horace*, *l.* 1. *sat.* 3.

——*Tristes miseræ venere Kalendæ.*

Although in another place he saith that the Ides were the times when the Creditors called in their Money. *l. epod.*——*od.* 11.

——*Fœnerator Alphius*
Omnem relegit Idibus pecuniam,
Quærit calendis ponere.

To which words *Vossius* hath subjoyned this Comment. *Iduum eò meminit Poeta, quod fœneratorum is fuerit mos, ut quamquam Calendis usura deberetur, tamen in Idus concederent dilationem, Quam consuetudinem, ait Pythæus reperisse se a veteri glossario anno-*

annotatam ad illud Ciceronis in Catilinam, Prætermitto ruinas fortunarum tuarum quas omnes impendere tibi proximis Idibus senties. And this indeed is of neceſſity to be admitted, ſuppoſing the Uſury were Monthly due, as there is no queſtion but among the *Romans* it was, and ſuppoſing that they did *Calendis ponere*, put out their Mony upon the *Calends* or the *New Moon*, as *Horace* tells us in this place they did, that the Uſe muſt become due at the *next* Calends, or at the *return* of the New Moon, and if they did not exact the Uſe or call in the Principle till the Ides or the Full Moon, this muſt needs be by way of forbearance, not by any thing of right in the Debtor to defer his payment ſo long.

But Secondly, not only the names of ſeveral of the *Roman* Months, but alſo of the *Calends, Nones, and Ides* into which the *Roman* Month was divided were manifeſtly deriv ed to them from the Eaſt. Indeed *Joannes Tzetzes* in his *Chiliads* tells us a pleaſant ſtory of three very charitable and well diſpoſed Gentlemen, whoſe names were *Calandus, Idus*, and *Nonus*, the firſt of which fed and ſupported the City of *Rome* in a great Famine eighteen days, the ſecond eight, and the laſt of them four; and in this he is followed by *Balſamon* upon the councils,

Councils, but who ſees not the impoſture of this pleaſant Tale? eſpecially if we conſider the date of it, which falls ſo much lower than the known Antiquity of the *Roman* Month, *Macrobius* and *Feſtus* and others, have much more of probability in the accounts which they give, but yet their accounts are far from the truth it ſelf, which they did not underſtand for want of skill in the Learning of the Eaſt, and were for the ſame reaſon ignorant of the far greateſt part of the Antiquities of *Rome*. The *Calendæ* they tell us were a *Calando*, becauſe then the *Quirites* were ſummoned to a general Aſſembly in the *Curia Kalabra*, the *Nonæ* were ſo called, *quod ab iiſdem novem dies ad Idus putarentur*, and the *Idus* were from the *Greek* εἰδῶ, or *qu. vidus à videndo*, or from an obſolute verb *Iduare* which ſignifies as much as *dividère*, either becauſe at the *Ides*, that is, the Full Moon, the Moon affords the faireſt ſhew and appearance of her ſelf, or becauſe the Full Moon is in the middle way betwixt the New and Old, and divides the Month into two equal halves, but theſe though better and more tolerable then the Fable of *Tzetzes*, are all of them very cold and contemptible Interpretations, but the true Etymologies,

mologies, if I am not much mistaken, are to be sought for in the only true Fountain of all ancient Learning, that is, in the *East*, and therefore from thence I shall endeavour to fetch them. The *Calendæ* were as much as *kahal hedah*, for the New Moons were always looked upon in the *East*, as days of the most Sacred and Religious Solemnity in the whole Month, as is manifest from many places of Scripture, which it is altogether needless to insist upon; and these Solemnities themselves are a sufficient indication, that there was once in the *East* a Year measured by the motion of the Moon, at the beginning of which there was always an extraordinary concourse of People, and all the publick demonstrations of joy and gladness imaginable. Such a solemn Assembly as this in the *Full Moon*, that is, at the time of the *Passover*, is expresly called *col kebal hadath*, Exod. 12. 6. and by the Seventy it is rendred πᾶν τὸ πλῆθος τῆς συναγωγῆς. to which it is but inserting an *n* for the better sound sake, and we have exactly the *Latin Calendæ*, as from the *Hebrew Hathik*, by the very same Analogy is the *Latin*, *Antiquus*, and from the very same word without the interposition of an *n*, which the softness and volubility of the Greek pronunciation would not so well bear, for

—*Grain*

——Graiis dedit ore rotundo
Musa loqui——

I say, from the very same Hebrew root, the *Attici* among the *Greeks* had their name, as much as to say *hathikim*, the *Ancients* or the *Old People*, whose Antiquity was such, that it could hardly be traced. Though I do not altogether disapprove the conjecture of *Macrobius*, that the *Calends* were called a *Calando*, for *Kalare* in *Latin* and in *Greek* καλέω, are both of them from the *Hebrew* word already mentioned, and that which the *Greeks* call καλανδαι, answers exactly to the *Hebrew Kahal*; but this is so far from doing any prejudice to the Etymology which I have laid down, that it gives further strength and confirmation to it. And farther, whereas *Macrobius* tells us that the *Quirites* on that day, were used to be summoned into the *Curia Kalabra*, it is to be noted that though this solemnity it self, and the name of the time wherein it was performed were derived from the *East*, yet they did not meet together in the *Curia Kalabra*, Young and Old, Men, Women, and Children, as the *Jews* did at the Passover, and other solemn Feasts (though I know not, when

v. D. Hei. Aristart.

it is said that *all the Congregation of Israel shall kill the passover*, whatever becomes of the *Eating* of it, whether we are to understand it of any more than the *Adulti*, or perhaps the *Patres Familiarum*) but only the *Quirites*, that is, such as were fit to bear Arms, as hath been already shewn, and therefore this Assembly was called *Kalabra*, that is, *Kahal Abirim*, the *Congregation of strong* and *fighting* Men, and from thence perhaps *Calabria* had its name, as being a maritime Province of *Italy*, and probably first possessed by Garisons of the *Phœnicians* or other Easterly Nations, who built them Forts there for the convenience of Trade. Lastly, As another indication of the word *Kalendæ*, its being of *Hebrew* Origination, I will argue from its being spelt with a *k*, a Letter almost unknown to the more Flourishing and polite Ages of *Rome*, but in this word it hath been preserved, as well as in *Karthago*, answering in both cases to the *Hebrew Koph*, in *Kahal* and *Kereth*, the latter of which signifies a City, (and was applyed by way of Eminence to *Carthage*, as *Rome* was called peculiarly *Urbs*, and *Athens* Ἄστυ) and from *Kereth* is the *Chalday Kartha*, whence *Karthage* is immediately derived, and this is likewise for the same reason, the true spelling of *Kalare*, and *Kalabra*. The

The *Nones* were so called not for the reason above mentioned, but from the *Hebrew* *Nin*, whence with a *servile* letter is the noun *Manon*, which by the detracting of that letter is exactly *Non* signifying a *Son*, as much as to say the *Sons* or *Daughters of the Calends*, and therefore as being under their protection they had no particular *Tutelar* of their own, according to that of *Ovid*. v. D. Heins in Aristarchy & Lloyd lex. geogr. & Poet in Ninius.

Vindicat Ausonias Junonis cura Kalendas,
Idibus alba Jovi grandior agna cadit;
Nonarum tutela Deo caret.——

And it seems to be to this that *Ovid* imputes the unluckiness of the day after the *nones* of any Month, because the *Nones* themselves were not under the Patronage of any of their Gods. For it follows immediately.

——*Omnibus istis*
Ne fallare cave, proximus Ater erit.
Omen ab eventu est, illis nam Roma diebus
Damna sub adverso tristia marte tulit.

But *Livy* makes the reason to be rather accidental, depending upon the *Ides*, because the day after the *Ides* of any Month was accounted unlucky, for such another rea-

son as *Ovid* assigns in this place, where speaking of the great slaughter of the *Romans* at the battle of *Allia*, he says, *l. 6. f. 2. Quod postridie Idus quintiles non litasset Sulpicius Tribunus militum, neque inventâ pace. Deûm post diem tertiam objectus hosti exercitus Romanus esset, etiam postridie Idus, rebus divinis supersederi jussum: inde ut postridiè Kalendas quoque ac Nonas eadem religio esset, traditum putant.*

The *Nones* had no Religion in themselves, but only they were preparatory to the Religious Offices of the rest of the Month, and the Country people upon those days were used to repair to *Rome*, to be informed by the *Priests*, in what manner they were to celebrate the Feasts and Solemnities of the Month ensuing; and here it is to be noted, that as there were some *Gentilitia sacra*, some Sacrifices or Ceremonies peculiar to certain Families amongst them, so there were some that were peculiar to certain Towns, and according as the Solemnities of the Month ensuing, were either more or less, and required more or less time to adjust and settle; so the *Nones* were computed either *five* or *seven* days after the *Calends*, and in the first case were called *Quintanæ*, in the second *Septimanæ*, and besides

beſides this, the time betwixt the *Calends* and *Nones*, was a ſort of Term time among the Ancient *Romans*, wherein the Cauſes of the Country round about were heard and their grievances redreſt; and why this time was longer in one Month than another, was perhaps perfectly Arbitrary, and depended upon no better reaſon, then the difference of our Terms as to their length does at this day.

Laſtly, the *Ides*, were not from *Ad Q.* or qu. *vidus à videndo*, or from *Iduare*, as hath been above repreſented out of the *Roman* Authors, though as to the thing it ſelf upon which theſe Etymologies are founded, they are very much in the right, but from the *Hebrew Chiddouſh* ſignifying *renovation*, as the Moon is then moſt properly ſaid to be *renewed*, when from her utmoſt waining, ſhe comes to ſhine *pleno orbe* again; and theſe things ſhow clearly, not only that the *Romans* had their diviſion of the Month from the *Eaſt*, but alſo that whence ſoever they had it, it was from a place where the Month was *perfectly Lunar*, without any ſort of *intercalation*, or which is all one, where they meaſured their time by *Lunar Years*, which ſhows plainly that there was ſuch a Year in the *Eaſt* as the Lunar,

or a Year consisting but of one Month, though *Proclus* upon the *Timæus* had been silent, and yet he tells us also of the *Ægyptians*, from the Authority of *Eudoxus*, ὅτι Αἰγύπτιοι τὸν μῆνα ἐνιαυτὸν ἐκάλουν, that *the Ægyptians called a Month a Year*; for it is clear, whatever the *Roman* Etymologists are pleased to tell us, that the *Calends* did not alway: fall upon the *New Moons*, nor the *Ides* upon the *Full*, but by reason of the *intercalation* at the end of every Month, it would fall out unavoidably that the *Ides* and *Calends* and the *intercalations* themselves would travail by certain and regular proportions, through all times of the Moons Age, and this is the true notion of *Intercalatio*, it is as much as *intercahalatio*, or it is that time which after the expiring of the *Lunar Period*, consisting of twenty eight Days or thereabouts, was added before the beginning of the next Month, when the *Kahal* or *general Assembly* of the *Romans* was called; but yet the names of the *Calends* and *Ides*, (added to this Tradition which we see was always preserved among the *Romans*, that they did at least originally, light always upon the *New* and *Full* Moon, though when the Year came to be altered and the Months were brought to an e-

qua-

quation with the Suns motion, it was impoſſible they ſhould do ſo;) theſe, I ſay, are clear teſtimonies that they received this diviſion of their Month from the *Eaſt*, and from ſome place where their Year was *perfectly* and *unqueſtionably Lunar*, and therefore it is no wonder, that in the *Roman* ſtory we do not find any where any ſuch fixt and ſtated Solemnities, upon the *New* and *Full* Moon, as we meet with in the Scripture Hiſtory, becauſe by reaſon of this *intercalation* and the reducing their Year to the courſe of the Sun, the *New* and *Full* Moon came to be neglected, but ſo, as that though the *Romans* themſelves did not underſtand it, yet the Feſtivities and Religions which they had upon their *Calends*, were borrowed and taken from the *New Moons* of the *Eaſt*; and thoſe which they were uſed to have upon the *Ides*, were taken by Tradition from the *Eaſtern* Celebration of the *Full Moon*, which was every whit as ſacred as the other, and at this time were Celebrated by Gods own appointment the Feaſt of the *paſſover*, and alſo that of *Tabernacles*, and *Jeroboams* Feaſt which was inſtead of the *paſſover*, was on the *fifteenth* of the *eighth Month*, and the Feaſt of *Purim* ratified by an Edict of King *Ahaſuerus*, upon

upon the *fifteenth* of *Adar* Yearly; and this is the Second reason that makes it highly probable, that *Usury* was exacted *Monthly* in the *East*, that not only the names of some of their Months, but the division of them all, was manifestly borrowed and derived from thence.

Thirdly and Lastly, By this it appears that the payment of Usury was *Monthly* among the Jews, that *Nehemiah* tells us so plainly it was the *hundredth part of the Money, the Corn, and the Wine, and the Oyl that was exacted of them*; which hundredth part if you understand it of the Year was next kin to no Usury at all, and could not be the cause of so many loud complaints, and so universal a calamity, as at that time overwhelmed in a manner the whole Nation of the Jews; but if we understand it of *one* in the *hundred*, for a Month, this was *twelve* in the *hundred* for the whole Year, and this added to those other causes of scarcity and dearth, which are by *Nehemiah* in this Chapter recited, might well enough produce those dismal and deplorable effects, which it is said to have done.

This was the very reason why the *tenth* of all things was paid to the *Priests*, for their support and maintenance; for the *Priests*,

Priests, are as it were the Family and Houshold of God, who is the Great proprietor of all things, to whom by way of acknowledgment, for the benefit and advantage we receive from them, the *tenth* of all things was to be paid, this being, as I have shewn, the Ancient *usura centesima*, upon which the payment of all Tithes was founded; and though we will not stand too Critically upon the proportion, yet there is thus much of natural reason in the case, that the Priesthood who are set apart to the Service of God, and are, or ought to be so great instruments of the publick good, ought always to have a just and honourable maintenance, independent of the People, and paid, as of right, to them, without any thing of obligation to their charges for it, that so they may be the more at leisure to attend the Ministry of the Holy things, and may have no temptation to comply with every popular humor, against the duty of their places, and the welfare of the publick.

But though as well by the place of *Nehemiah*, as by the proportion of the Priests in the payment of Tithes, it appears that the Usury of all things, was the *centesima* or *ten* and *twelve* in the hundred, yet afwards

terwards there came to be a very great difference between the use of Money, and that of other things, as *Corn* and *Oyl* and the like; the use of Money for the most part continued within the compass of the *centesima*, and when it exceeded those bounds, it was restrained by several *Imperial* Edicts, still extant in the bodies of the Civil Laws, both of *Theodosius* and *Justinian*, but in other things it was advanced very much, that is, the lender was to refund a third part increase, or an half of the whole, so as for example, he that borrowed two bushels of Corn was to refund three, and this was that which was properly called *usura Hemiolia*, concerning which, there are still extant several imperial Laws, and the reason of this increase of Usury in Corn and Oyl, and other things above what was allowed, or practised in Money, are learnedly set forth by *Dionysius Gothofred* in his Elaborate Notes upon the code of *Theodosius*.

v. D. Gothof. in C. Th. l. 2. tit. 33. l. 1. de modo usurarum.

Another instance of a manifest resemblance betwixt the *Jews* and *Romans*, as to the business of Usury, was this; *Nehemiah* tells us, the People in his time were reduced to such extremity, that they were forced to *sell their Sons and Daughters into bondage*, and sometimes in cases

of

of this nature they ſold themſelves, though they had ſtill the priviledg to become free again, after a certain time, and could not be compelled to ſerve longer then the Year of *Jubilee*; the like was in the uſage of the *Romans*, though more ſevere and cruel, and without any ſuch return, into the ſtate of freedom after the expiration of ſuch a certain time, and they that were thus enſlaved, are called *nexi* and *addicti corporibus*, and *nexu vincti*, and the like in many places of *Livy*, and how very hard and ſevere it was of Ancient time upon the *Roman* Debtors, is in many places very dolefully and Tragically deſcribed by him, and the ſame was alſo the practice among the *Athenians*, as hath been ſeen already, out of a paſſage of *Diog. Laertius* concerning the *Siſactbia* introduced by *Solon*. Sup. p. 238.

I ſhall conclude this diſcourſe concerning Uſury with this obſervation, that it being forbidden the Jews only upon a Political reaſon, which had a peculiar reference to the partition of Inheritances among them, which by the practice of Uſury would have been deſtroy'd, and for no other cauſe or reaſon whatſoever that can be diſcerned in the Sacred Writings, but on the contrary they were permitted

mitted to practice it upon the Stranger, where this partition was not concerned; it follows unavoidably that in any other polity, then such an one as that of the *Jews* was, the practice of a *moderate Usury* is a Lawful thing, and indeed it is no more in effect, then selling of Commodities for a moderate gain, or receiving of rent for Land, and therefore the *Greeks* called it, not only by the name of τόκος, from its *encreasing* nature which answers to the *Hebrew Tarbith*, and *Marbith*, but also δάνειον, from δᾶ or γᾶ, *terra*, and ἔρανος from ἔρα signifying the same, and both of them properly and peculiarly denoting the *rent of Land*.

So that it being now abundantly proved, that the Marriage of *Boaz* and *Ruth*, was by virtue and in consequence of that *Mosaic* Law, by which the Brother was obliged to raise up seed to the Brother, in case he deceased without Issue Male, and that the obligation of this Law, together with that partition and distribution of Inheritances upon which it depended, ceased to be any longer regarded among the Jews themselves, after the division of the two Kingdoms of *Israel* and *Judah* in the time of *Jeroboam*, and that whereever the same sort of partition

tion was observed, there either Usury was forbidden as among the *Jews*, or else the Partition was destroy'd and broken down by the practice of it; again, it being further clear that the *Jews* did not abstain from any thing, meerly because the *Zabii* or any other Nation round about them practiced it, and for no other reason; and lastly that the Customs of the *Romans*, as to the proportion of their Usury, and the time of payment, and many other things of their most remote, but yet undoubted and unquestionable Antiquity, were derived from thence. There remains now only one single objection very briefly to be considered, which is by some, as well in Antiquity, as of later date alledged against what hath been said, and that is the solution of *Africanus* in *Eusebius*, by which he endeavours to reconcile the difference between the two Evangelists, St. *Matthew* and St. *Luke*; in the Genealogy of our Saviour which solution if it should be admitted as good, it would follow that the *fratres uterini*, were under the same obligation to raise up Seed to their deceased Elder Brother, as those which were born of the same Father, but this conceit is so substantially exploded by Mr. *Selden* himself, and by *Grotius* in his

Learned

Learned Commentary upon the Gospels, and by *Valesius* in his excellent Observations upon *Eusebius*, who is so bold as to call in question, as it did very well deserve, the matter of fact it self, and wishes that *Eusebius* for the credit of his History had not inserted it in it; as *Grotius* supposes the Tradition to have been corrupted, and *Africanus* not rightly to have understood the meaning of his Informers: that upon all these accounts I think I am excused from a particular examination and confutation of this *legend*, to the utter ruin and disgrace of which, so many truely great and Learned Men, have with so great unanimity and constancy conspired, and all of them upon such weighty reasons, as do sufficiently justifie themselves, and recommend the Judgment of their Authors.

At least it is sufficient in this case to say, what appears upon the most diligent inquiry to have been most true, that all this difference between the Evangelists was occasioned only by the carelesness, folly, or which is worse, the design and manifest roguery of Transcribers, among whom in the Ancientest Mss. of these Gospels there appears to have been a most incredible dissention; they are the words of *Erasmus*, who

who had compared them together, *In recenſendis nominibus mica in Græcorum codecibus confuſio, nè Latinis quidem inter ſe conſentientibus, alibi deerat, alibi ſupererat; inverſa ac depravata pleraque quæ nos diligentiſſimâ collatione, quâ licuit, reſtituimus*, and *Valeſius* obſerves that though *Matthat* be the third from *Joſeph*, in the preſent Copies of St. *Luke*, yet by *Africanus*, and *Gr. Nazianzen* and St. *Ambroſe* he is called *Meliſio*, and in this very inſtance of *Jacob* and *Eli*, one of which is the Father of *Joſeph* in St. *Matthew*, the other in St. *Luke*, it is to be noted that in ſome MſS. as may be ſeen in the *Oxford* Edition of the New Teſtiment, for ἡλὶ there is ἰακὼβ to be found, which ſhews the Original of the miſtake, for it was anciently in both places ἰακὼβ, only *Iſrael* and *Jacob*, being exactly the ſame perſon, ſome Annotator in the marmargent, had placed ἰσραὴλ by an abbreviation, thus ηλ, which being the name of no body, as *Eli* was, who was alſo expected to forerun the Meſſias, for *Eli* and *Eliah* were the ſame, this gave occaſion to the ſubſtituting the one for the other.

Eraſmus, who refers this difference to a certain *dyonymie* of the ſame perſons, is not to be regarded, not only becauſe it is precarious in it ſelf, but which is ſtill worſe, it is juſtified only by the Authority of *Annius* the counterfeiting Monk of *Viterbo*, who not content to have counterfeited *Beroſus* and *Manetho*, did alſo obtrude a *Philo* upon the World, and upon his Authority this conceit was vented, but yet ſo lamely and ſo like a counterfeit, that *Eraſmus* himſelf began to ſuſpect the matter, for ſo he ſays, *Neque pauca refert Joannes Annius ex Philone, ea quanquam admodum probabilia ſint, tamen quoniam is non tam certò citat, quam vellem, præſertim in re controverſâ neque nobis erat Græci Philonis copia, paucis attingenda Judica vimus*; In a word, *Grotius* is ſo little ſatisfied with the ſolution of *Africanus*, as if St. *Matthew* regarded only the *natural* ſucceſſion, while St. *Luke* had reference only to the *legal*, that he enclines rather to believe the directly contrary, of each of theſe Evangeliſts, and his opinion wants not more tolerable reaſons to ſupport it, than thoſe which *Africanus* hath produced, which are with a deſerved ſcorn rejected by *Valeſius* and

and by *Grotius* too, nay *Africanus* himself was so distrustful of the truth of his relation, that he concludes with saying, *For want of sufficient testimony to support it, it ought to be embraced for want of a better.*

FINIS.

ADVERTISEMENT.

THere is now in the Press a Second Part of this Treatise, containing Remarks and Animadversions upon it, wherein some things are Illustrated and others Amended, and the Theology and Mythology of the Fabulous Antiquity, is for the most part of it occasionally explained, by the same Author.

BOAZ and RUTH.

A Disquisition upon *Deut* 25. 5.

concerning the

BROTHERS

Propagating the

NAME and MEMORY

OF HIS

Elder Brother deceased.

IN

Which the Antiquity, Reason, and circumstances of that Law are explained, the mistakes and impositions of the *Jewish Rabbins*, in this and other matters detected, and a fair way opened for a clearer understanding of the most obscure and dark passages in the Law of *Moses*.

TOGETHER

With a discovery of several things, as well in the *Eastern*, as the *Roman* Antiquities, never yet explained or understood by any.

By *John Turner*, Hospitaller of St. *Thomas Southwark*, and late fellow of *Christs-College* in *Cambridge*.

——Credat Judæus Apella
Non ego——
Qualiatunque voles, Judæi somnia vendent.

Si veritas Nobiscum, quis contra nos?

LONDON, Printed by *H. Hills* Jun. for *Walter Kettilby*, at the *Bishops-Head*, in St. *Paul's* Church-Yard. 1685.

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By *John Tarner*, Hospitaller of St. *Thomas Southwark*, and late fellow of [illegible] College in Cambridge.

[illegible]

LONDON, Printed by [illegible] at the [illegible] Chamber [illegible]

To the Right Honourable, and my very Good Lord, *George* Lord *Jefferies*, Baron of *Wem*, Lord Chief Justice of *England*, and one of His Majesties most Honourable Privy Council.

My Lord,

I *Do humbly Dedicate this disquisition to your Lordship, after some small, though very Hearty endeavours, to let your Lordship and the World see how extreamly sensible I am of your goodness to me, not only out of a principle of gratitude, but interest too, in gratitude I was ob-*

liged to bethink my self of a present more suitable to your Lordships deserved Character and Greatness, than any I have yet had the hardiness or opportunity to make; and in interest, I considered with my self, that having engaged with so potent adversaries as the memory of Mr. Selden, who was the glory of the last Age, and the living fame of a Person yet in being, it concerned me to look out some Patron of the Highest Quality and the most universally acknowledged merit, to give some countenance to my undertakings, which are intended purely for the discovery of truth, and for the benefit and advantage of the World.

I have in this Essay given a dead blow to the Rabbinical Learning, not that I pretend or would be thought to suggest, as if they were not to be believed in any thing they say, for who is so guilty of mistakes and in-

po-

positions as not to speak truth sometimes? But if by virtue of a pretended Tradition, they shall impose any falsity upon us, as I have proved in this Treatise, they have done very many, we are not to believe any thing upon account of any such precarious Tradition, without other circumstances and probabilities to vouch it, as a witness of crackt credit and profligate reputation, may yet put new weight into the Scale of Truth, if he have either other circumstances or more allowable testimony to concur with him; but upon his own account he is nothing, and if any have a mind to support the credit of the Rabbins, it is not to be done by proving that in some things they have been in the right, but that they are so in those particulars, wherein I have laid falshood and forgery to their charge.

If Mr. Selden *were alive, I should not despair but he would acknowledg his Error and that of those upon whose*

authority and credit he depended, but of the other I have no other hope, then only that he will not pretend in scriptis *to confute me, though he may possibly whisper in the dark, where I can neither hear nor see him, and may have a party in the Coffee-house to stand by him.*

But not content barely to have confuted these two Learned Gentlemen, I have substituted positive and affirmative Doctrines in the room of those which they would have obtruded upon us, I have, I hope, held out a Key to the Learned World, by which the most difficult passages in the Law of Moses *may be explained, and have besides given so fair an entrance into the Antiquities of* Rome, *and shown so plainly their dependance upon those of the* East, *from whence they are unquestionably derived, that it is clearly a new sort of Learning scarce ever yet so much as pointed at by any, and capable of very great and very useful*

improvements, all which I do humbly submit to your Lordships known Candor, and unbyast Judgment, and with my most earnest Prayers to Almighty God for the continuance of your Lordships health and safety, in which that of the publick hath so great a share, I am, may it please your Lordship,

Your Lordships

most Humble, Obedient,

and Obliged Servant,

John Turner.

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John Turner.

READER.

Reader

I Here Present you with a Discourse, the greatest part of which was long since Written upon that Law of *Moses*, by which the surviving younger Brother was obliged to propagate the name and memory of his Elder Brother in his stead, in which I will be bold to say, I have discovered more of the *Jewish* Antiquity, then all the *Rabbins* put together have with the same certainty and convincingness done, for most of what they tell us amounts to no more then *hear say*, depends upon very uncertain and questionable Traditions, and is Jum-

Jumbled together with such an *ogro* of monstrous and impertinent Winter-tales, that it is very difficult, where there is any Truth, to separate the Truth and Falshood from each other, and besides this, I have occasionally so far inquired into the most remote Antiquities of *Rome*, as to show they were manifestly of *Eastern* growth, and the comparing of the Customs and Language of the one with the other, which I take it for granted is a subject, which neither one Man nor one Age can exhaust, is that, that will give great light and certainty to both, and may with much more reason be depended upon in our inquiries into Truths of this nature, then any of those pompous Tales the *Rabbins* tell us, though drest up in *Hebrew*, and coming into the World in the shape and appearance of profound Learning.

You

You will find by several passages up and down in this Treatise, that what I have now written, was designed as preparatory and introductory to another, which it is now a long time, that I have promised or threatned, or what you please to call it, concerning the *Marriage of Cosin Germans*, if you ask in what sense, this may be thought preparatory to that, though it may seem an hard Question, yet I will make it easie, by giving it a plain Answer, and indeed the Answer is two fold.

First, This was a Matrimonial Case as well as the other, which though it be now perfectly Antiquated and out of date, not only amongst us, but even the *Jews* themselves, yet I had a mind to shew by an Essay upon this subject, that I was not altogether a stranger to subjects of this nature, that upon the Credit of this performance, I might not remove

remove the prejudices that lie against me, and might be thought possibly to understand what I said, better then those that censure me, when I affirmed the Marriage of *Cousin Germans* to be in all *Christian* Polities, and in all *ordinary* Cases *ex antecedenti* prohibited and Unlawful.

In the Second place, it is to be considered, That the Brothers Marrying the Brothers Wife under the Law, was by vertue of a particular dispensation in a particular Case, though otherwise the same Marriages were punishable with death, and the Case is the same in any dispensation, it imports an Unlawfulness *in non exceptis*, otherwise, if the thing dispensed with, were generally Lawful, nothing could be more frivolous or more absurd, then a particular dispensation in the Case proposed, let it be what it will; wherefore by the same rea-

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son that the *Levitical* or *Authoritative* sanction of the *Mosaic* Law, being a particular dispensation in a particular Case, did imply a prohibition, where that Case was not concerned, by the very same reason does the Marriage of the Daughters of *Zelophehad* in the 36. of *Numbers*, imply a prohibition in all other Cases, where the same circumstances could not lay claim to any such particular and extraordinary dispensation, which having only a regard to the *partition of Inheritances* among the *Jews*, which *partition* is now finally destroyed, such Marriages are now Unlawful not the *Jews* themselves, and much more certainly to all *Christian* people, to whom the natural reasons upon which the Matrimonial prohibitions depended are the same, that they were to the *Jews*, and the obligation to all the instances of charity, friendship and good will,

and

still all the Intents conducing to it) is greater and more binding then it was upon them, for the sake of our common Saviour who loved us so much, and who made this the Mark and Character of his Disciples, by which they might always be distinguished from the rest of the World, *By this shall all men know that ye are my Disciples if ye love one another*. But however this Christian Charity is great and as universal, as it is or ought to be, yet it does not forbid us in Cases of necessity to defend our Persons or Possessions, or to suffer and vindicate our good Names against such as make it their business to injure and defame us, therefore you are not to expect that I should upon this Text, stand up and Preach a Recantation Sermon for the late severities upon Dr. C. which I am so far from, that in this very Discourse I have followed my blow and have resolved of

a long time, neither to give him any Quarter nor take any from him, and yet now I think of it. I have given it notwithstanding, for there are faults in the *System*, which I have not exposed, and there are faults in the *Systemer*, which are not in the *System*: but if any else have a mind to try their parts upon the same Arguments, I have engaged him upon, without making the Controversie personal between us. I shall not be behind hand in Civility with them, only there are two things in this following Discourse, for one of which I must Apologize, and the other I find my self obliged to Recant that which needs an Apology is this p. 205, &c. where speaking of the fact of *Zimri*, of whom it is said, 1 Kings 16. that *he went into the Palace of the Kings House and burnt the Kings House over him with fire, and dyed.* I may be thought upon this occasion to have spoken

too

too favourably concerning self-homicide in some Cases, wherefore since I have dipt into this controversie which is very nice, that I may set all things right, and offer my most mature sentiments concerning it, I desire it may be considered, First, That I have not in the least excused any who out of fanciful Causes or a vincible Melancholy not yet improved into a state of frenzy, have been the Authors of untimely death to themselves, because all these Cases are manifestly supposed to be so many instances of unreasonable Actions, and therefore can by no means justifie themselves. Secondly, There are some instances to be met with in the World, of mischiefs that are unquestionably real, exquisitely painful, and utterly incurable, or such as at present seem so, without any hopes of remedy, not only in the opinion of the party affected, but also of the wisest, most

most experienced, and most discerning Physitians themselves, and this was *Seneca's* Case by reason of a Chronical *suspirium*, or *shortness of breath* which he complains of in several of his *Epistles*, and in one of them he says, that if it had not been in consideration of his Aged Father, and out of tenderness to his Relations, who might have taken his death immoderately to heart, he would have made away with himself; and I am far from discouraging any such considerations as these, to persuade a Man even in the worst circumstances, yet notwithstanding to endure them with constancy and steady resolution, and to expect with patience the call of nature, rather then to get rid of them by any act of violence committed upon himself.

Thirdly, As in the Case of bodily pain, so also in that of extream and irrecovable ignominy

was *nearer of Kin* than *Boaz* to *Elimelech*, was in actual possession of the Inheritance συγχωρήσαντα δὲ νόμον καὶ ἀγχιστείαν; and then it follows, οὐκ ἐξ ἡμισείας δεῖ μιμνῆσθαι δὲ νόμον, &c. now this νόμος ἀγχιστείας was the *Law of redemption*, or that Law which permitted the next of Kin to Marry the Wife of the deceased and possess himself of the Inheritance into the bargain; for which reason *Boaz*, who is by the *Hebrew* called *Goel*, or the redeemer, is all along by the *Greek Interpreters* called ἀγχιστεὺς or the *near Kinsman*, and their translation of *c.* 4. *v.* 6. is very remarkable; the words of the Hebrew are these, *Vajomer Hagoel Lo oucal Ligeol li, phen Ashchith eth Nachalathi, Geal atta eth Geulathi, chi lo oucal legeol.*

In the *Greek* these.

Καὶ εἶπεν ὁ ἀγχιστεὺς οὐ δυνήσομαι ἀγχιστεῦσαι ἐμαυτῷ, μὴ πότε διαφθείρω τὴν κληρονομίαν μου, ἀγχίστευσον σεαυτῷ τὴν ἀγχιστείαν μου, ὅτι οὐ δυνήσομαι ἀγχιστεῦσαι.

The Second thing by which this appears is this, that he who is in the *Hebrew* rightly called *Elimelech*, is by *Josephus* all along called *Abimelech*, and this he had also out of the *Greek* Translation, though not out of that reading of it which the *Vatican* preferrs; but the *Alexandrine Ms.* will both shew you that it is a corruption and by what

what degrees it proceeded to be what it is, for *Ch.* 2. *v.* 4. that copy reads it, Ἀμμὼν, and 4. *v.* 4. Ἀμμὼν.

All this may be yet farther strengthened from the Law mentioned in the Book of *Numbers c.* 35. concerning *Chance-Medly* or *Unwilling Slaughter*, in which case if a man could first fly to One of the Six Cities of Refuge, and when his cause came to an hearing it appeared that there was no evil intention nor any malice fore-thought in him that had committed the fact, he was safe so long as he continued within the *Pomœria* of the said City, during the life of that High Priest in whose *Pontificate* the thing was done, and after that he might repair to his own home, and enjoy all the freedom of an innocent and guiltless Person, but in case the *Revenger of Blood* should overtake him before he could get to one of these Cities, or if after he had made his escape thither he should afterwards at any time within the time prefixed, be found any where without the Bounds or *Pomœria* of the said City, then it was lawful for the *Revenger of Blood* to exact one life for another, and avenge the Death of the Deceased Party, with that of him who did tho' never so unwillingly slay him. Now who was this *Revenger of Blood*? *Josephus* tells you

you it was any of the Kindred. *l.* 4. *c.* 8. his words are these. Οἰκοδομεῖ δὲ Μωυσῆς τὰς δέκα πόλεις, τὰς εἰς τὸν ἀριθμὸν τῶν ὄκτω καὶ τεσσαράκοντα γενησομένας, ὧν τρεῖς ἀπέδειξε τοῖς ἐπ' ἀκουσίῳ φόνῳ φευξομένοις. Καὶ χρόνον ἔταξεν εἶναι τὸν φυγῆς τὸν αὐτὸν τῷ ἀχειρεῖ, ἐφ' ᾧ δράσας τίς τὸν φόνον ἔφυγε, μεθ' ὃν συγχωρεῖ τελευτήσαντα κάθοδον, ἐχόντων ἐξουσίαν τῶν τοῦ πεφονευμένου συγγενῶν κτείνειν, εἰ λάβοιεν ἔξω τῶν ὅρων τῆς πόλεως, εἰς ἣν ἔφυγε, τὸν πεφονευκότα, ἑτέρῳ δὲ οὐκ ἐπιτέτραπτο. That is, Moses *built Ten Cities, being parcel of the Fourty eight assigned to the Levites, of which Three were Sanctuarys, for such as unwillingly had slain a Man. The time of their confinement to any of the said places was during the life of that High Priest, in whose time such an accident fell out. But after his decease, he was at liberty to return home, or go whither he pleased in safety. But in the mean time, if he were taken without the bounds of the said Sanctuary to which he was confin'd, it was lawful for any of the Kindred, and none else, to kill him.*

Now if you ask what Authority *Josephus* has for this, the Answer will be that he took this as he does every thing else from the Seventy *Interpreters*. For that which we call in our Translation the *Revenger of Blood*, is in the *Hebrew Goel Hadam*. And in the Seventy all along in *Numbers*, *Deuteronomie*, and *Joshua*, it is

ἀγχιστεύων

ἀγχιστεὺς τὸ αἷμα, & ἀγχιστεύων τὸ αἷματος. As out of them the *Vulgar Latin* renders it, *propinquus*, *cognatus*, and *proximus occisi*, and with them *Onkelos* in his paraphrase upon the Book of *Numbers* and *Deuteronomie* does exactly concur; the *Hebrew* Word, to render it exactly, is as much as the *Redeemer of Blood*, and so it is taken by *Jonathan* in his *Targum* upon *Joshua*, it is the same word used in the case of *Ruth* and *Boaz*, and in the case of redeeming the Inheritance or the Person of the poor Brother who had sold himself.

Since therefore the word in the *Hebrew* is the same, since the rendition of the other Interpreters does all along restrain it to one of the Kindred of the deceased Party, since the ἀγχιστεὺς and the ἀγχιστεύων τὸ αἷματος in the Seventy are the same, what can be more manifest than that, as well in the Opinion of the Seventy *Interpreters*, as of others, whose Authority because not so ancient, and because derived only from them is of less Credit, the ἀγχιστεία or the *degrees of Proximity* in respect of blood in all three cases, that is to say, in the redemption of the Person of a Brother who had sold himself, or of the Inheritance of the same Person, who being reduced to extream Poverty

ty was obliged to sell it, and in the avenging the blood of him who was unwillingly slain, were all of them the same, being either the *Brother*, or the *Uncle*, or the *Uncle's Son*, or *any* that was nigh of Kin to the Family of the Person concerned. *Levit.* 25. 48, 49. Neither does it appear only from the Identity or Sameness of the word in the *Hebrew* in all these cases, and from the agreement of the Seventy in their Version in every one of the cases now insisted upon, that the word Goel which we render the *Revenger*, is to be understood in this last instance as well as in the other, of somebody that was nigh of Kin, but it is no less evident from the express words of the *Original Text* in Deut. 19. 5, 6. *He shall fly unto One of those Cities and live, lest the Avenger of Blood pursue the Slayer, while his heart is hot, and overtake him, because the way is long, and slay him, whereas he was not worthy of death, inasmuch as he hated him not in time past.* Now in the first place it is a very wild piece of extravagance to suppose, that a man having killed another by a perfect chance, should for this reason lie exposed to the fury of every man who had the power or opportunity to revenge it, without any process or formality of Law, that

that it might be seen first whether he deserved such punishment or no. In the second place there was no reason why every mans *heart* should be *hot*, or swell'd with a tumultuous appetite of revenge, as fast as any other, whom perhaps they never knew or heard of before, should come to an untimely death, it seems therefore most reasonable to confine it only to the relations or friends of the party deceased, who may well enough be supposed, especially those that are so very near, to have had the greatest friendship for him, and the deepest share in that loss which is sustained by his death. Thirdly, We must not Imagine that the Law did countenance revenges of this Nature, but it did only pardon the infirmity of men, whose *heart was hot*, i. e. overpowered with an excess of grief and a masterless desire of revenge, which passionate concern may well enough be supposed to enter into the breast of a *Brother*, *Uncle*, or *Uncles Son*, or *any* that is *near of Kin*, especially if to the nearness of Consanguinity, a strict friendship and a necessary dependance be joyned, but cannot reasonably be pretended by any in his excuse, whose circumstances of Birth and Fortune are at a farther distance from the person slain.

The use which I make of these things is this, that all these three instances do mutually confirm and strengthen one another; the right of redeeming the person of the poor Brother, has been shewn to belong only to the near Kinsman by the express words of the Law its self, that is to say, to the *Brother*, or *Uncle*, or *Uncles Son*, or *any* that is *near of Kin*, that is, at the least a degree farther than this; the same is likewise agreed by all the *Jewish* Interpreters, of the *redemption of Inheritances*, and is in it self very reasonable to believe, it being mentioned in the very same Chapter with the other, without any particular mention, who are the persons in whom the Right of Redemption is legally invested, unless the persons who are specified in this latter case, be understood ἀπὸ κοινοῦ to belong to them both, besides that the case of *Ruth* and *Boaz*, in which the *redemption of Inheritances* was no question concerned, shews it without all controversy to be extended farther than to the immediate Brother, though not further than to such as were near of Kin.

Lastly, The *revenging* the Death of him that was *slain by chance*, has been shewn to belong likewise to the very same persons, and that not only from the sameness of the word

word in all the three cases, and from the rendition of all the Ancient Interpreters, but from the expres words of the Law and from the reason of the thing it self.

If then whoever redeemed the person of a Brother that had sold himself, might also avenge his blood, in case he were slain by chance, and might redeem his Inheritance when through poverty or want it was encumbred or alienated from him; and if the reason of that Vicarious Wedlock which is usually, but falsely confined to the Brother of the deceased, was for the redemption of the Inheritance, and to hinder it from going to any other Tribe, or as nigh as might be into another House, then it follows plainly, that whoever might redeem the Inheritance might Lawfully Marry the Wife of the deceased, which had no other end but this; which was the thing to be proved.

And now if it be asked why in the Law of *Deuteronomy*, the *Jabem* or *deceased Husbands Brother* is only mentioned, notwithstanding so many of the Kindred might Marry to the Widow, I answer it was for these three reasons, First, Because the first refusal of the Widow and of the Inheritance was his. Secondly, Because he was under the strictest obligation to pro-

pagate the name and memory of his deceased Brother in the nature of his Servant, whereas though the other relations might if they pleased, do it upon the refusal of the Brethren, yet not standing in the same relation of servants to the deceased, they were not as I conceive under the same obligation. Lastly, *Denominatio sumitur a parte potiori*, because it did actually so come to pass for the most part, that one of the surviving Brethren did accept of the Challenge made by the Woman in behalf of her deceased Husband, and there was good reason why he should, if he were not Married before, because by this means there was, as I have said, one Child provided for, and that very plentifully, for there was a double portion in the case, which belonged of right to the Elder Brother, *Deut.* 21. 17. and it is not improbable that he received likewise into the bargain this farther advantage, that during his own life he had the entire management and disposal of this estate, for the support of himself, and for the benefit of all his Family, though at his death he must leave it as he found it, and could not cut off the Entail from the Eldest Son of this imputative or adoptive Bed.

This might, for ought we know, be the reason why the Marriage of the Brother

to the Brothers Wife, was so severely forbidden by several *Imperial* Laws, both in the *Corpus Juris Civilis* of *Justinian* and in the *Theodosian Code*, which practice might perhaps creep, though not for the same reason of raising up the name of the dead upon his Inheritance, out of *Judea* into the Empire, but if any man had rather think that this was an effect only of that *Libertinisme*, and *Licentiousness*, to which men are but too subject of themselves, I am so far from contending, that perhaps I shall be more inclinable to be of his opinion; but it is certain that this practice, so far as it was used among the *Ægyptians*, was borrowed from the *Jews*, or perhaps from those Elder times from whom the *Jews* themselves received it, which may be plainly proved from the words of that *Imperial Rescript* by which it was at length forbidden by the Emperor *Zeno*; they are these:

IMP. ZENO. A. EPINICO. P. P.

Licet quidam Ægyptiorum idcirco mortuorum fratrum sibi conjuges matrimonio copulaverint, quod post illorum mortem manssse Virgines dicebantur, arbitrati scil. (*quod certis legum conditoribus placuit*) *cum corpore non convenerint, nuptias non videri re esse contractas;*

& hujuſmodi connubia tunc temporis celebrata, firmata ſunt, tamen præſenti lege ſancimus, ſiquæ hujuſmodi nuptiæ contractæ fuerint, eas earumq; contractores, & ex his progenitos antiquarum legum tenori ſubjacere, nec ad exemplum Ægyptiorum (de quibus ſupra dictum eſt) eas videri fuiſſe firmas, vel eſſe firmandas.

Now that this cuſtom among the *Ægyptians*, was received from the *Jewiſh*, I argue from theſe words, *quod certis legum conditoribus placuit*, which *legum conditores* are *Moſes* and thoſe other *Lawgivers* of *Earlier times*, from whom he himſelf received it; and though it be true that the *Jews* Married the Wife of their deceaſed Brother, whether ſhe were a *Virgin* or no, in caſe ſhe had no *Male Iſſue*, yet it is every whit as true, that there were thoſe that would not allow this Law to take place, but only in ſuch, as had never been touched by the deceaſed Husband; of which number there is no meaner a man than *R. Shammai* himſelf, the head of one of the two famous *Phariſaick* Schools, as *R. Hillel* was of the other, and the *Samaritans ad unum omnes*; but I take this only upon the Authority of *Grotius*, who upon *Deut.* 25. 5. hath theſe words, *Uxor defuncti,) male Sammai & Samaritani hoc de deſponſatâ tantum*

tum interpretantur, obstant tum alia, tum Gen. 38. 6. and if this was the Opinion of the *Samaritanes*, who yet certainly received their knowledge of this Law from the *Jews*, why might it not be of the *Ægyptians* too?

Again, if these matches were made by others up and down the *Roman* Empire, as the *same Edict* does more than seem to insinuate, *ad exemplum Ægyptiorum*, then it is true what I have already hinted, though I would not be very confident of it, that the *Romans* themselves received it from the *Jews* Originally, for *causa causæ est causa causati*.

Having thus proved that by the *Firstborn*, is meant not the *Levir* himself but the *Eldest* Son of the *Leviratical Bed*, and that by *raising up the name of the dead, by hindring his name from being blotted out of* Israel, is not meant that the adoptive birth was to be of the *same name* with the deceased Father, having shewn that the Marriage of *Ruth* and *Boaz* was in consequence and pursuance of that Law in *Deuteronomy*, whereby the Brother was authorized and obliged to *raise up Seed to his deceased Brother*: Lastly, Having demonstrated that by the *Name*, the *Inheritance* is meant, and given the reason why it is

so, because it was necessary the name of the dead should be continued for the asserting of the Title; by the light of what has been said we may now discover two other Errors of Mr. *Selden* and his *Rabbins*; his words are these, p. 99, 100. *Consensu Magistrorum, posteri à fratre fratriam ducente susceptì omnes, pro vario jure in aliis speciebus successionis, defuncti fratris hæreditatem capiebant.* In which words there are no less than two very gross mistakes. The First is this, that this opinion supposeth all the Children begotten by the *Levir* or *near Kinsman* upon his Brothers Wife were accounted and looked upon as the Children of the party deceased; and the Second which is expressly asserted, that they had all of them a share in the Inheritance, both of which must needs be false, if by *succeeding in the name of the dead*, *Deut.* 25. 6. nothing else can be meant, as I have proved, that nothing else is or can be, but only that, he was to *Inherit* the Estate and Patrimony of the deceased, for this belong'd only to the *First-born* by the express words of that place, *and it shall be that the First-born which she Beareth shall succeed in the name of his Brother which is dead, that his name be not put out of* Israel, now to attribute that in common to all

which

which the Scripture so plainly appropriates to one, what is it but to prefer the Authority of a *Rabbin* before that of *Moses* the Lawgiver himself? Only thus much I believe to have been very true, that in case the *First-born* died, then the *next Brother* was to Inherit in the nature of an *adoptive* Son, as the Eldest had done before him, and so on, if there was more Brothers, and the *Second* died likewise as the *First* had done; because without this there would not have been a sufficient provision made for that which was the declared end and design of the Law, that *his name be not put out of* Israel, and because it is certain if the Elder Brother, I speak now of the *Imputative Father*, died without Issue, then the next was to succeed in his Bed and in his Inheritance, as a kind of an *adoptive Husband*, or an *Husband* in his *Brothers stead*, as is evident from the story of *Er*, *Onan*, and *Shelah*, and from the story or supposition of the Seven *Brethren* in the *Gospel*.

Now if Brethren were used to succeed one another in their course, upon the decease of the Eldest, the Second and so on, in the quality of *adoptive* and *vicarious* Husbands, it seems to me to depend upon the same reason and right, that the Children begotten in such a *Leviratical* or

Anchistentical Bed, should also succeed one another upon the decease of the Elder in quality of *adoptive Sons*, or Heirs to the First Husband deceased.

But then if there were no Sons, then the *Daughter First Begotten* was to Inherit, for it is still a great mistake in Mr. *Selden* and his *Rabbins*, when they Interpret those words, *If Brethren dwell together and one of them die*, ou ben een Lo, and *hath no Son*, so laxly as if it were indifferent either to a Son or Daughter, neither is it any argument for him in this case, that the 70 and the *Vulgar Latin*, have rendered it in such general words, by σπέρμα and by *liberi* or that St. *Matthew* and St. *Mark* speaking of this very thing, use the word τέκνα instead of υἱὸς. For general Words as they are in themselves extended to a greater latitude of signification, so they may be restrained when the nature of the Subject treated of does require it, as if a man who had *no Daughter*, should use the word *Liberi*, or τέκνα speaking of his own Children, it is manifest that in this case these words, however extensive their full signification be, must be restrained to signifie only the *Male Issue*, because we suppose him to have no other. So παῖδες signifies properly only *Sons* or *Male Children*; and yet when *Josephus* makes the

the neareſt of Kin of the Family of *Elimelech* ſay, εἶναι γυναῖκα αὐτῷ καὶ παῖδας ἤδη, nothing hinders but that by παῖδες in this place either *Boys* or *Girles* in common, or perhaps only *Girles*, if the man had none but ſuch, notwithſtanding in propriety of ſpeech it be reſtrained only to the Male Iſſue, might be underſtood. From both which inſtances it is plain, that words may be and are frequently extended beyond, or reſtrained within a much narrower compaſs, nay, ſometimes taken quite contrary to their natural ſignification, in compliance with the Nature of the Subject about which the diſcourſe is made; and I appeal to any man, upon ſuppoſition that the Ἀγχιστεὺς, he that was *neareſt of Kin* to the Family of *Elimelech*, had only *Girles* for his Children, whether it would not have been better *Greek* to ſay εἶναι αὐτῷ παῖδας than any thing elſe that could have been ſaid, for παιδίσκη in this ſenſe is not *Greek*, and κόρη, or κοράσιον or νεανίσκη, expreſſes the Sex, but does not ſo plainly repreſent the relation, as his Children.

But at the worſt it is but the Opinion of the *Seventy* and thoſe that follow them, that the word *Ben* in this place was indifferent to a *Son* or a *Daughter*, but I will now ſhew if that were their Opinion, that they are by no means infallible, though their

Authority

Authority as Interpreters be for the general the most Sacred, and the least subject to exception of any.

For, First, I affirm that when it is said; *Deut.* 25. 6. *And it shall be that the First-born which she beareth*, &c. that this by the propriety of the Sacred Language is to be understood only of the *Male issue*. As it is *Exod.* 11. 5. *And all the* First-born *in the Land of* Ægypt *shall die, from the First-born of* Pharaoh *that sitteth upon his Throne, even unto the* First-born *of the Maid-Servant, that is behind the Mill, and all the* First-born *of Beasts: Ch.* 12. 29. *And it came to pass that at Midnight the Lord smote all the* First-born *in the Land of* Egypt, *from the* First-born *of* Pharaoh *that sat on the Throne, unto the* First-born *of the Captive that was in the Dungeon, and all the* First-born *of the Cattel.*

Now that by the *First-born* who were Smitten by the destroying Angel only the *Males* are to be understood, I argue from the Separation of the *First-born* among the Children of *Israel* in memory of this delivery. *Exod.* 13. 2. *Sanctifie unto me all the* First-born, *whatsoever openeth the Womb among the Children of Israel.* Now if it be proved that only the *Males* were sanctified, then it is clear that none but the *Males* were destroyed,

ſtroyed, and that by the *Firſt-born* none but the *Males* are to be underſtood.

I confeſs the Phraſe of *Opening the Womb* is a little general and does extend to *Females* as well as *Males*. But it is to be conſidered that it depends upon what went before. *Bibnei Jiſrael*, which I take here in the moſt ſtrict and proper ſenſe, whatſoever or whoſoever of the *Sons* or *Males of* Iſrael firſt openeth the Womb, that is, is *Firſt-born*. And ſo *Exod.* 21. 29. *The* Firſt-born *of thy Sons ſhalt thou give unto me*. But becauſe it may be pretended that by *Sons*, and by the *Sons* or *Children of* Iſrael, both *Males* and *Females* are to be underſtood, as it is certain it is ſo in many other places, and the contrary cannot be proved, without ſome other argument than a bare ſuppoſition to ſupport it; I ſhall now deſire you to conſider, that as the *Firſt-born* of all the Children of *Iſrael*, were Firſt Sanctified and ſet apart, in gratitude for that deliverance which they had when the *Firſt-born* of *Ægypt* were deſtroyed; ſo afterwards the *Levites* were ſingled out from the reſt of the Tribes, and ſet apart inſtead of the *Firſt-born* of the Children of *Iſrael*. *Numb.* 3. 12, 13. *Behold I have taken the*

Levites

Levites *from among the Children of* Israel *instead of all the First-born that openeth the Matrix among the Children of* Israel. *Therefore the* Levites *shall be mine, because all the First-born are mine, for on the day that I smote all the First-born in the Land of* Ægypt, *I hallowed unto me all the First-born in* Israel *both Man and Beast: mine they shall be, I am the Lord.*

Now in what sense it was that the *Levites* were set apart, and what they were obliged to do by such their separation is expressed *v.* 5, 6, 7, 8. of the same chapter, in these words: *And the Lord spake unto* Moses, *saying, bring the Tribe of* Levi *near, and present them before* Aaron *the Priest, that they may Minister unto him, and they shall keep his charge, and the charge of the whole Congregation before the Tabernacle of the Congregation, and the charge of the Children of* Israel *to do the Service of the Tabernacle.* The same you have likewise repeated again, *c.* 8. of the same Book. It is clear then if *Ministring to the Sanctuary* and doing the Service of the *Tabernacle*, be all that is meant by the *Levites* being set apart, and all that they were obliged to do by vertue of such their separation, that the separation of the *First-born* of all the Children of *Israel* whose persons the

Levites

Levites did in this case represent, was of the same Nature, that is, they were consecrated to a sort of *Priest-hood*, and their business was to be conversant about the Holy things.

Now *Women* were never admitted into the *Priest-hood*, or set apart to the *Ministry of the Altar*, either before the *Law* or under it, any more than they are now under the *Gospel*, therefore it is plain that by the Separation or Sanctification of the *First-born*, only that of the Males is to be understood.

Again, *Women* were at liberty to Marry out of one Tribe into another, so as a Woman descended of the Tribe of *Levi* might Marry if she so pleased into that of *Benjamin* or *Judah*, but by so doing the *band of Matrimony* unites her much more strongly to her Husband and his Tribe, than to that Tribe of which she was descended, so that this, if they had been separated would have been a kind of alienation from the service of God, for that they did so Marry is evident from the case of the Daughters of *Zelophehad*, who were hindred from Marrying into another Tribe, not because it was in it self unlawful or not usually practised, but to preserve the Inheritance from being alienated for ever from that Tribe to which

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